

# **Meredith College**

## **Interim Title IX Policy**

### **Effective August 1, 2024**

#### **General Information**

Meredith College (“Meredith” or “the College”) is committed to providing a safe and positive learning, living, and working environment, free from discrimination, for all members of the campus community. Members of the campus community are expected to treat others with integrity and respect and to take responsibility for their actions. This Policy outlines Meredith College’s expectations to help ensure a campus free from sex discrimination and sex-based harassment.

Meredith College complies with Title IX of the Education Amendments of 1972. Title IX applies to all sex discrimination occurring under education program and activities. Sex discrimination includes discrimination based on sex stereotypes, sex characteristics, pregnancy or pregnancy-related conditions, sexual orientation, and gender identity. Sex-based harassment includes harassment on these bases and further clarifies when sex-based harassment creates a hostile environment.

This Policy discusses definitions of prohibited conduct, reporting, campus resources, and related procedures.

Nothing in this Policy is intended to create a contract between Meredith College and any student, employee, independent contractor, vendor, or other individual or entity. Meredith College reserves its right to amend this Policy at any time, for any reason.

#### **Notice of Nondiscrimination**

In accordance with applicable federal and state laws, including but not limited to, Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 (“Title IX”), the Age Discrimination in Employment Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (“ADA”) and ADA Amendments, the College does not unlawfully discriminate on the basis of race, color, ancestry, religion, age, sex, national origin, pregnancy and pregnancy related conditions, disability, military veteran status, gender expression or identity, sexual orientation, or any other protected status under federal, state, or local law applicable to the College, in its educational programs and activities, admissions policies and practices, and employment policies and practices.

Sex discrimination is prohibited by Title IX, a federal law that provides that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." The College is required by Title IX and its regulations not to engage in sex discrimination in its education program or activity, including admissions and employment.

The College will not tolerate Prohibited Conduct. The College will promptly and equitably respond to all Reports and Complaints of Prohibited Conduct to take steps to eliminate the misconduct, prevent its

recurrence, and address its effects on any individual where the law or Policy requires or allows, or the community in general, in accordance with this Policy. Inquiries or complaints about Title IX generally, sex discrimination, or the forms of Prohibited Conduct defined below may be directed to the College's Title IX Coordinator.

Sex discrimination can be committed by individuals, regardless of gender or gender identity, and it can occur between persons of the same or different genders. This Policy may use the term "Prohibited Conduct" to refer to any or all of those prohibited behaviors.

The College will not tolerate sex discrimination and will promptly and equitably respond to reports and complaints of Prohibited Conduct to take steps to eliminate the conduct, prevent its recurrence, and address its effects, in accordance with this Policy.

Any person may report sex discrimination, including sex-based harassment, whether or not the person reporting is the person alleged to be the Complainant of conduct that could constitute sex discrimination or sex-based harassment. Reports may be made in-person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. An online reporting form is also available here ([Online Reporting Form](#)).

**\*Contact Information for the Title IX Coordinator and Deputy Title IX Coordinator:**

**Pamela Davis Galloway**  
**Associate VP for Human Resources**  
**Title IX Coordinator**  
**Meredith College**  
**3800 Hillsborough Street**  
**118 Park Center**  
**Raleigh, NC 27607**  
[davispam@meredith.edu](mailto:davispam@meredith.edu)  
**919-760-8760**

**Ann Gleason**  
**Dean of Students**  
**Deputy Title IX Coordinator**  
**Meredith College**  
**3800 Hillsborough Street**  
**214 Park Center**  
**Raleigh, NC 27607**  
[gleasona@meredith.edu](mailto:gleasona@meredith.edu)  
**919-760-8521**

*\*This policy uses the term Title IX Coordinator to reference the Title IX Coordinator, Deputy Title IX Coordinator, or a designee appointed by the Title IX Coordinator to fulfill the functions of the Title IX Coordinator, as needed. When this Policy references actions of the Title IX Coordinator, these actions may be fulfilled by the Title IX Coordinator or the Title IX Coordinator's designee.*

After office hours, Campus Police may be contacted at 919-760-8888 and they will notify the Title IX Coordinator, who will respond.

**Final Rule Under Title IX**

The U.S. Department of Education released updated Title IX regulations, effective August 1, 2024. This Policy is based on those regulations and only applies to reports and complaints brought on or after August 1, 2024. Any reports or complaints about alleged conduct that occurred before August 1, 2024

would be considered under the policy in place at that time. Alleged conduct that occurred prior to August 1, 2024, will be addressed using the definitions and Title IX policies and procedures in place at that time.

The elements established in this Policy under the Final Rule have no effect on and are not transferable to any other policy of the College for any violation of the Honor Code, employment policies, or any civil rights violation except as defined in this Policy. This Policy does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

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

When the College receives a Complaint of a violation of this Policy, the College generally will apply the grievance procedures from the policy that is in effect at the time that the report or complaint is made and generally will apply the Prohibited Conduct definitions from the policy that was in effect at the time of the alleged sexual misconduct occurred.

**Allegations Potentially Falling Under Two Policies:** If the alleged conduct includes conduct that would constitute Title IX sex-based harassment and conduct that would not constitute Title IX sex-based harassment, the College reserves the right to process the allegations in the same grievance process or separate the allegations and address them through separate processes.

**Flexibility to Respond:** The procedures set forth in this Policy reflect the College's desire to respond to reports and Complaints of sexual discrimination in good faith and in compliance with legal requirements. The College recognizes each case is unique and circumstances may arise which require that it reserve some flexibility to respond to specific circumstances. Therefore, the College reserves the right to modify procedures or to take other administrative action, as appropriate.

**Scope and Jurisdiction of this Policy:** This Policy applies to all members of the Meredith College community, including anyone participating or attempting to participate in a Meredith program or activity, including students (applicants, incoming admitted, current, former, or enrolled students), employees (faculty, staff, temporary), vendors, campus visitors, independent contractors, and those having any official capacity with the College. All campus community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the campus community have a responsibility to adhere to College policies and local, as well as state and federal law.

This Policy applies to Prohibited Conduct occurring on Meredith's campus or off campus in the context of Meredith College employment or educational activities or programs including study abroad and internship programs. Other off-campus actions, including online or electronic activities that have an adverse effect on campus or off-campus Meredith activities or programs, may be subject to this Policy. In determining whether the College has jurisdiction over off-campus conduct that is not a part of a College educational activity or program, the College will look at the seriousness of the conduct, the risk of harm, whether both parties involved are members of the College community, and whether the

alleged action is part of a series of actions that occurred on and off campus.

In situations in which both the Complainant and the Respondent are members of the Meredith College community, this Policy may apply regardless of the location of the incident. In particular, off-campus conduct that is likely to have an actual or potential adverse impact on, or poses a threat or danger to any member of the campus community or the College is within the scope of this Policy.

Sex discrimination that is alleged to have occurred at a significant distance from the College, or that is reported anonymously, may be more difficult to investigate. Complaints brought by those who are not members of the College community will be handled according to appropriate campus policies and procedures, including this Policy as applicable. Individuals are encouraged to report misconduct regardless of where the incident occurred, or who is alleged to have committed it. Even if the College does not have jurisdiction over the Respondent, the College will take prompt action to provide for the safety and well-being of the Complainant and the broader campus community, to the extent possible.

**Specific Scope and Jurisdiction of Title IX:** Title IX would apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 1, 2024;
2. The alleged conduct, would constitute covered sex discrimination, as defined in this Policy;
3. The conduct occurs within the College's education program or activity, which include:
  - a. Conduct that occurs in a building owned or controlled by a student organization that is officially recognized by the College;
  - b. Conduct that is subject to the College's disciplinary authority; and
  - c. Conduct that creates a sex-based hostile environment within an education program or activity, even if some of the conduct occurred outside of the College's education program or activity, or outside the United States.

**Determining Title IX or Other Prohibited Sexual Misconduct:** When a report or allegation is received, the Title IX Coordinator will determine whether the alleged activity is covered under Title IX.

## **Reporting**

All persons are with knowledge of a sex discrimination events, including sex-based harassment, are encouraged to report such, regardless of the location or time it occurred, and to seek assistance from campus or community resources, as necessary. If you believe you or someone you know has experienced sex discrimination, you are encouraged to promptly report the incident(s) to the Title IX Coordinator. The Title IX Coordinator will review the report, and assess any immediate risk of harm to the Parties or others, including the broader campus community, and determine any necessary and appropriate interim protective or supportive measures necessary.

At the time of reporting, the Complainant does not have to make a decision about the filing of a Complaint. The decision on how to proceed can occur over time and, throughout that decision-making process, the College will provide resources and supportive measures regardless of what decision is made or if one has been made.

All Meredith College employees, with the exception of those identified as Confidential Employees, are

designated to be Responsible Employees (as defined below) and are required to report any actual or suspected incident of Prohibited Conduct that occurs on or off campus to the Title IX Coordinator. After receiving a report, the Title IX Coordinator will follow up with the individual alleged to have been the subject of the prohibited conduct.

Options for making a report include, but are not limited to, the following:

- **Online Reporting:** An online reporting form is included on the College's Title IX web page at [www.meredith.title-ix](http://www.meredith.title-ix)
- **Anonymous Reports:** Anonymous reports of sexual misconduct may also be submitted online through the online reporting form located on the College's Title IX web page at [www.meredith.edu/title-ix](http://www.meredith.edu/title-ix). The College may be limited in investigating or addressing an anonymous report if minimal information is provided.
- **Responsible Employees:** All Meredith College employees, including staff, faculty, temporary, and student workers (acting in their capacity as employees) statuses, with the exception of the Confidential Employees listed below, are considered "Responsible Employees." Under this Policy, Responsible Employees must immediately report information about conduct that reasonably may constitute sex discrimination. However, a Responsible Employee who is a target of sex discrimination under this Policy is not required to report their own experience, although they are encouraged to do so.

Responsible Employees must also promptly share all details of behaviors prohibited under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Responsible Employees are encouraged to report the information directly to the Title IX Coordinator and should not attempt to investigate or gather any additional details about the alleged incident, in the moment or subsequently, beyond the information shared with them.

When a student or person who has a legal right to act on behalf of the student informs any employee of the student's Pregnancy or Related Conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee must promptly provide the person with the Title IX Coordinator's contact information and let the individual know that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the College's education program or activity.

Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g., "Take Back the Night," candlelight vigils, protests, "survivor speak-outs" or other public forums in which students may disclose incidents of Prohibited Conduct; collectively, "Public Awareness Events"), or (2) during a student's participation as a subject in an Institutional Review Board-approved human subjects research protocol ("IRB Research").

Complainants and others should be aware that any information they share with

Responsible Employees is not confidential must be reported under this Policy. Complainants and others cannot report information “off the record” to Responsible Employees, and Responsible Employees cannot honor the request of a Complainant or third-party not to report potentially prohibited behavior.

Failure of a Responsible Employees to report an incident of Sex Discrimination of which they become aware is a violation of College Policy and can be grounds for disciplinary action, up to and including termination of employment.

If an employee is unsure about what constitutes sex discrimination at Meredith College, they should contact the Title IX Coordinator.

- **Confidential Employees:** Employees who can receive confidential communications (defined below) which, by law, cannot be disclosed to another person without the consent of the individual who provided the information, except in very limited circumstances such as allegations of the abuse of neglect of a minor or the imminent threat to the life of any person. The employee’s confidential status is only with respect to information received while functioning within the scope of their duties to which a privilege or confidentiality applies.

Confidential Employees are required to explain to any person who informs them of conduct that reasonably may constitute sex discrimination under this Policy:

- Their status as a Confidential Employee, including the circumstances in which they are not required to notify the Title IX Coordinator about conduct that might reasonably constitute sex discrimination;
- How to contact the Title IX Coordinator and make a Complaint of sex discrimination; and
- That the Title IX Coordinator may be able to offer supportive measures, as well as an Informal Resolution Process or an investigation under the College’s grievance procedures.

Meredith’s Confidential Employees are:

- Licensed counselors in the Counseling Center (919-760-8427) - for students
  - Licensed medical staff in Meredith College Health Services (919-760-8535) - for students
  - The Campus Chaplain (919-760-8346) - for students and employees
- **Privacy and Confidentiality:** The College is committed to protecting the privacy of all individuals involved in the reporting, investigation, and resolution of a report of Prohibited Conduct under this Policy. All employees who are involved in the College’s response to reports of Prohibited Conduct receive specific training and guidance about safeguarding private information in accordance with applicable law. Privacy refers to the discretion that will be exercised by the College in the course of any processes under this Policy. Information related to a report of Prohibited Conduct will be handled discreetly and shared with a limited group of College officials who need to know in order to assist in the assessment, investigation, or resolution of the Report or Complaint and related issues.

Taking into consideration the wishes of the Complainant, the College will make reasonable efforts to address Reports of Prohibited Conduct under this Policy. If the Report proceeds to an investigation, information may be disclosed to participants as necessary to facilitate the

thoroughness and integrity of the investigation. In all such proceedings, the College will maintain the privacy of the parties to the extent reasonably possible.

At the same time, the College must issue timely warnings and keep a record of reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the community. The College will ensure that a Complainant's name and other identifying information are not disclosed in these and other legally required reporting requirements, while still providing enough information for community members to make safety decisions in light of the potential danger, as applicable.

All College proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act (as amended by VAWA), Title IX, state and local law, and College policy.

- **Amnesty:** In accordance with Meredith College's Medical Amnesty Policy, a student who makes a good faith report of sex discrimination, or who participates in the grievance process, will not be subject to Honor Council or disciplinary proceedings for her/his own personal consumption or possession of alcohol at or near the time of the incident, provided that actions did not place the health or safety of any other person at risk or violate additional College policies.
- **Reports to Campus Police and Local Law Enforcement:** Instances of sex discrimination, particularly those related to sexual assault, domestic violence, dating violence, and stalking, may violate both the College's Title IX Policy and local, state, or federal law. Complainants may pursue their complaints through either or both the Meredith College Title IX reporting process and criminal justice system. Campus Police at Meredith College may be reached at 919-760-8888 and can provide information about the off-campus criminal reporting process.

The off-campus criminal investigation is independent from any investigation that is reported to Meredith College officials under this Policy. Regardless of whether a Complainant decides to pursue a criminal investigation, Meredith College will take immediate steps to investigate the complaint, offer supportive services, and to ensure for the safety of the campus community. If a criminal complaint is filed in addition to a complaint reported to Meredith College, the College will continue implementing its procedures and protections regardless of the timeline or outcome of the criminal procedures, subject to requests from law enforcement for a brief delay of the process (if applicable and acceptable to the College).

- **Reports to Other Campuses:** Upon request of the Complainant, sexual misconduct committed by a student from another campus can be referred by the Dean of Students or Campus Police to that student's campus for reporting and consideration under that institution's Title IX procedures.
- **Non-Meredith Confidential Resource Options:** In addition to Confidential employees, individuals can also access confidential resources off campus. Confidential resources in the community include:
  - [Solace Center](#), 919-828-3067;
  - Interact's 24-hour Rape Crisis Line, 919-828-3005;
  - [Employee Assistance Program \(EAP\)](#) Also provides resources to Meredith College

employees. 855-RSL-HELP (855-775-4357); [rsli@acieap.com](mailto:rsli@acieap.com); <http://rsli.acieap.com>  
(available to employees and their families)

- **Office of Civil Rights Reporting:** Concerns about the College's application of this Policy or complaint with applicable laws may be expressed to the U.S. Department of Education, Office for Civil Rights at:
  - Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-1475
  - Telephone: 2020-453-6020; Email: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)

**No Time Limit and Impact of Delayed Reports:** Although there is no time limit for reporting Prohibited Conduct to the College under this Policy, the College's ability to effectively respond or investigate may diminish with the passage of time, as evidence may not be preserved, memories may fade, and Respondents may no longer be affiliated with the College. If the Respondent is no longer a student or an employee of the College, the College will provide reasonably appropriate supportive measures, assist the Complainant in identifying external reporting options, and take reasonable steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

Beyond losing the ability to preserve important evidence and to effectively address potential Policy violations by a Respondent, delays in reporting can cause Complainants to not obtain important resources or supportive measures that the College has reasonably available to assist them.

**Obligation to Provide Truthful Information:** All Meredith College community members are expected to provide truthful information in any proceeding under this Policy. Submitting or providing knowingly false or misleading information (including false Complaints) in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions. This provision does not apply to Reports or Complaints made or information provided in good faith, even if the facts alleged in the Report or Complaint are determined to be erroneous or are not later substantiated by the determination.

**Preservation of Evidence:** The preservation of evidence is important and often time sensitive. The College will inform the Complainant (and Respondent once grievance procedures are initiated) of the importance of preserving evidence, including through the process of prompt medical examinations and assistance as well as preserving electronic data, social media postings, messages, and other documentary evidence.

**Interim and Supportive Measures:** Supportive measures means non-disciplinary, non-punitive, individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

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

Supportive measures shall be designed and implemented in a manner intended to achieve their purpose while at the same time limiting, to the extent practicable, any adverse effect to the Complainant's



and/or Respondent's education program. Supportive measures provided to either the Complainant or Respondent are kept private, to the extent that maintaining privacy does not impair the College's ability to provide the supportive measures. The College will make the appropriate measures available regardless of whether the Complainant chooses not to file a Complaint, requests that the matter not be investigated, or decides not to make a report to campus police or local law enforcement. The Title IX Coordinator will be responsible for coordinating the implementation of any appropriate and reasonably available measures.

Interim or supportive measures include but are not limited to:

- Access to counseling and medical services;
- Change of class or work schedule;
- Changes to on-campus living, housing, or dining space;
- Changes to student or employee's status or job responsibilities;
- Academic accommodations or assistance with academic issues;
- Restrictions on contact or a no-contact order;
- Leaves of absence; and/or
- Provide campus escort services

**Challenges to Supportive Measures:** Parties may also seek a modification or reversal of a decision to provide, deny, modify, or terminate supportive measures that apply to them. To do so, the Party should contact the Title IX Coordinator, in writing, to identify the concern and seek to have the decision reviewed. An impartial employee other than the employee who implemented the supportive measures, who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the supportive measures. Within seven (7) days of receiving the necessary information, the College will make a decision about the challenge related to the supportive measures.

Meredith College retains the authority to take additional actions if deemed necessary:

- *Emergency Removal:* Meredith College retains the authority to remove a Student Respondent from the College's program or activity on an emergency basis, where the College (1) undertakes an individualized safety and risk assessment and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sex-based harassment justifies a removal.

If Meredith College determines such removal is necessary, the Respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. A student who is removed from campus and who requests to return to campus must contact the Title IX Coordinator for consideration of the request.

- *Administrative Leave:* Meredith College retains the authority to place a non-student employee Respondent on administrative leave as a protective measure during the processes provided for by this Policy while an investigation is being conducted, consistent with the policies and procedures outlined in the *Meredith College Employee Handbook*.

**Assistance and Support for Those Impacted by Sexual Assault:** Meredith College recognizes the importance of assisting a member of the Meredith College community who is impacted by sexual assault. In this respect, several College departments coordinate efforts to offer services and Meredith

College strongly urges anyone who has been impacted to:

- *Seek Immediate Medical Assistance:* If you are in Wake County, individuals may contact the Solace Center as soon as possible to receive a forensic evidence exam by a trained Sexual Assault Nurse Examiner (within 120 hours or five days of the assault). This exam is free, and a Raleigh police officer will respond to begin an investigation. Forensic evidence may assist a Complainant in pursuit of a criminal investigation or in obtaining a protective order. If the Complainant is unsure about pressing charges, she/he can receive an anonymous exam, giving the Complainant up to one year to decide about next steps in the criminal justice process. If outside of Wake County, Complainants are encouraged to go to the nearest emergency room. If you have injuries that require immediate medical attention, beyond the injuries sustained through sexual assault, go to the nearest emergency room.
  - Meredith College Campus Police, 919-760-8888;
  - [Solace Center](#), 919-828-3067;
  - Interact's 24-hour Rape Crisis Line, 919-828-3005;
  - Meredith College Health Services, 919-760-8535;
  - [Employee Assistance Program \(EAP\)](#) Also provides resources to Meredith College employees. 855-RSL-HELP (855-775-4357); [rsli@acieap.com](mailto:rsli@acieap.com); <http://rsli.acieap.com> (available to employees and their families)
  
- *Seek On-Campus Crisis Support:*
  - Campus Police - 919-760-8888
  - For confidential on-campus counseling, contact the Counseling Center, Chaplain, or Health Services. These offices guarantee confidentiality. For after-hours assistance, contact Campus Police at 919-760-8888 and they will have someone from the offices above contact you.

**Disability Accommodations:** This process does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the grievance procedures. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by either the Complainant or Respondent, even where the individuals may be receiving accommodations in other institutional programs and activities. Complainant and Respondent may be required to submit documentation supporting the need for the accommodation. If the supporting documentation is already on file with a campus office, the requesting party will be required to sign a release of information to allow that office to share authorized accommodation information with the Title IX Coordinator.

Individuals who require disability-related reasonable accommodation in order to equitably participate in the processes provided for by this Policy are encouraged to make their request sufficiently in advance to allow enough time to make the necessary arrangements. Individuals who need assistance with language translation, for example, should expect that five or more business days advanced notice may be required.

**Clery Act and Timely Warning:** At any time that a serious or continuing threat to students or employees exists, the College will issue timely notification and warning to the campus community. This

notification required by the Clery Act will not include identifying information about the reporting party. Pursuant to the Clery Act and the Violence Against Women Act, anonymous statistics regarding reported criminal incidents must be shared with the Campus Police department for inclusion in the daily crime log and in the College's Annual Security Report. This information will include anonymous aggregate data.

## **Definitions**

**Bystanders:** Persons who observe possible sex discrimination and may or may not have the opportunity to intervene. Bystanders may report possible sex discrimination (see "Reporting") and employees who observe sex discrimination are required to report to the Title IX Coordinator.

**Coercion or Intimidation:** The use of unreasonable and persistent pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion is more than efforts to persuade, attract, or encourage another person to engage in sexual activity. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. Coercion may be emotional, intellectual, psychological, or moral. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. In evaluating coercion, the College will consider:

- Frequency of the application of pressure;
- Intensity of the pressure;
- Isolation of the person being pressured; and
- Duration of the pressure.

Coercing an individual into engaging in sexual activity violates this Policy in the same way as physically forcing someone into engaging in sexual activity.

### **Complainant:**

- (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- (2) A person other than a student or employee of the College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations (but not including sex-based harassment) and who was participating or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination;

**Complaint:** An oral or written request to the College that objectively can be understood as a request for the College to investigate and make a determination about alleged sex discrimination under Title IX or its regulations.

Complaints of sex-based harassment may only be filed by a student or employee who is alleged to have been subjected to conduct that could constitute sex-based harassment; their parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or the Title IX Coordinator.

**Complicity:** Any act that knowingly aids, abets, facilitates, promotes or encourages the commission of any act of Prohibited Conduct by another person, without regard to whether the intended prohibited

conduct occurred.

**Consent:** Words or actions that affirmatively demonstrate a knowing and voluntary willingness to engage in mutually-agreed-upon sexual activity. Consent requires an outward demonstration, through understandable words or actions that conveys a clear willingness to engage in sexual contact. Although consent does not need to be verbal, clear verbal communication is the most reliable form of asking for and obtaining consent.

Consent cannot be gained by force, by intimidation, by disregarding objections, or by taking advantage of another's incapacitation. Consent may not be inferred from silence or any other lack of active resistance. It may not be implied by attire. The absence of "no" cannot be interpreted as consent.

Prior consent does not imply consent to future sexual acts. In addition, consent to one type of sexual act does not constitute consent to another type of sexual act. Previous or existing sexual, romantic, or marital relationship does not constitute consent. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may be factors in determining whether there was consent.

Consent to sexual activity may be withdrawn at any time; when consent is withdrawn, all sexual activity must cease. A person who is not of legal age cannot consent. Consent cannot be obtained through coercion or intimidation (as defined). An individual who is known to be, or should reasonably be known to be, incapacitated (as defined) cannot consent to sexual activity.

**Disciplinary Sanctions:** Consequences imposed on a Respondent following a determination under Title IX that the Respondent violated the College's prohibition on sex discrimination.

**Incapacitation:** The physical and/or mental inability to understand the fact, nature, or extent of the sexual situation or activity. Incapacitation may be caused by a permanent or temporary physical or mental impairment.

Incapacitation is a temporary or permanent state in which an individual is unable to give consent to sexual contact due to mental, developmental, or physical impairment, or from the influence of alcohol or drugs. Incapacitation can be due to: sleep, unconsciousness, intermittent consciousness, involuntary physical restraint, or any other state where an individual is unaware that sexual contact is occurring.

With respect to incapacitation due to the influence of alcohol or other drugs, incapacitation requires more than consuming or being under the influence of alcohol or other drugs. Where alcohol and/or other drugs are involved, incapacitation is determined based on the facts and circumstances of the particular situation, considering whether the individual was able to understand the fact, nature, or extent of the sexual situation; whether the individual was able to communicate decisions regarding consent, non-consent, or the withdrawal of consent; and whether such condition was known or reasonably should have been known to the accused or a reasonable sober person in the accused's position. A Respondent cannot rebut a sexual misconduct charge merely by arguing that he or she was drunk or otherwise impaired and, as a result, did not know that the other person was incapacitated.

**Minor:** An individual who is not a student or employee of the College and who is not of legal age.

**Parental Status:** The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

- A biological parent;
- An adoptive parent;
- A foster parent;
- A stepparent;
- A legal custodian or guardian;
- In loco parentis with respect to such a person; or
- Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

**Party:** Complainant or Respondent.

**Pregnancy and Pregnancy-related Conditions:** Includes Complainant's pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related to those events, or recovery from those events.

**Privacy:** Privacy is distinct from Confidentiality. Privacy is maintained by Meredith College offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Meredith College will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

**Reasonable Person:** A reasonable person under similar circumstances and with similar identities to the Respondent.

**Relevant:** Related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

**Remedies:** Measures provided, as appropriate, to a Complainant or any other person the College identifies as having had their equal access to the College's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the College's education program or activity after a College determines that sex discrimination occurred.

**Report:** An account of sex discrimination that has allegedly occurred that has been provided to the College by the Complainant, a third-party, or an anonymous source. In most cases a Report does not initiate any action by the College beyond providing the individual alleged to have experienced harassment or discrimination with information about supportive measures and other resources and options for response if the individual so chooses. A Report is distinguished from a Complaint which initiates the grievance process.

Those who desire to make a confidential Report should contact a Confidential Employee or Confidential Resource. Otherwise, the College cannot keep a Report confidential, although it will keep the

information as private as possible.

**Respondent:** A person who is alleged to have violated the College's prohibition on sex discrimination.

**Student:** A student is someone who has gained admission to the College, or is registered or enrolled, and maintains an ongoing educational relationship with the College.

### **Role of the Title IX Coordinator**

The role of the Title IX Coordinator is to assist in ensuring individuals can safely and equitably pursue learning, living, and working activities at the College. A Coordinator or their designee will meet with the Complainant of the reported prohibited conduct to complete an intake process and advise the Complainant of available options and resources including providing a copy of the written Policy that includes:

- Information about Confidential Resources, filing a Complaint, the investigation process and grievance procedures, and the College's non-retaliation Policy
- Resources on campus and in the community, including Confidential Resources.
- Information about the person's right to pursue criminal action in addition to the College's procedures and actions.
- Information about offering and coordination of supportive measures, as appropriate, for the Complainant and Respondent.
- Description of the College's obligation to treat both the Complainant and Respondent equitably and to promptly investigate the reported prohibited conduct.
- Description of informal and formal grievance processes.

The Title IX Coordinator will determine if the reported activity meets the criteria of what is covered under this Policy.

### **Prohibited Conduct**

**Sex Discrimination:** Sex Discrimination means treating an individual adversely based on their sex characteristics, gender identity or expression, pregnancy or related conditions, sexual orientation, or sex stereotypes. Sex-based discrimination can also include treating an individual differently based on their Parental Status or marital status, if such differential treatment is based on sex.

**Sex-based Harassment:** Sex-based harassment is a form of sex discrimination and means sex-based harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity or expression that satisfies one or more of the following:

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

**(2) *Sex-based hostile environment harassment.*** Unwelcome sex-based conduct that, based on

the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

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

For the purposes of the definition of sex-based hostile environment harassment, a determination about whether conduct is subjectively or objectively offensive includes consideration of whether a reasonable person in the shoes of the complainant, considering the ages, abilities, and relative positions of authority of the individuals involved in an incident, would deem the conduct offensive.

Sexually harassing behaviors differ in type and severity and can range from verbal harassment to unwelcome physical contact. A wide range of behaviors may fall within the general definition of sex-based harassment depending on the circumstances. The determination of whether an environment is hostile must be based on all the circumstances. In determining whether sex discrimination or sex-based harassment/violence against a student or employee resulted in a sexually hostile environment, the College will consider the conduct in question from both a subjective and objective perspective.

Such conduct may include, but is not limited to, unwanted sexual flirtations, advances, or propositions; verbal abuse of a sexual nature; unwanted graphic verbal comments about an individual's body; the display in the workplace or educational environment of inappropriate and sexually suggestive objects, pictures, writing, language or drawings; or unwelcome touching or physical contact.

Sex-based harassment may be blatant and intentional and involve an overt action, a threat, or a reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.

Sex-based Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Sex-based harassment may be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context:

- May be committed by a stranger, an acquaintance, or someone with whom the reporting party has an intimate or sexual relationship;
- May be committed by or against an individual or may be a result of the actions of an organization or group; and
- May occur in the classroom, in the workplace, in residential settings, over electronic or social media (including the Internet, telephone, and text), or in any other setting.

Examples of conduct that may constitute sex-based harassment as defined above may include, but are not limited to, severe, persistent, or objectively offensive conduct that includes the following:

- Physical conduct, including unwelcome touching, impeding, restraining, or blocking movements.
- Verbal conduct, including making or using derogatory comments, epithets, slurs, or humor. Includes using sexually degrading words to describe an individual or sending suggestive or obscene letters, notes, electronic communication. Includes the communication of offensive comments of a sexual nature.
- Visual conduct: Leering; making sexual gestures; displaying suggestive objects or pictures, cartoons, or posters in a public space or forum. Visual displays of suggestive, erotic, or degrading, sexually oriented images that are not pedagogically appropriate.
- Written conduct: letters, notes or electronic communications, including social media, containing comments, words, or images described above.

### (3) **Sexual Assault, Domestic Violence, Dating Violence, and Stalking as defined below.**

**Sexual Assault** is any actual or attempted sexual contact, including contact with any object, with another person without consent, or when that person is incapable of giving consent. Sexual Assault includes the following:

- **Rape:** carnal knowledge of a person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
- **Sodomy:** Oral or anal sexual intercourse with another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of their age or because of a temporary or permanent mental or physical incapacity.
- **Fondling:** The touching of the private body parts of another person (breasts, buttocks, genital area, groin, or inner thigh) for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Sexual Assault with an Object:** use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of his / her age or because of his/ her temporary or permanent mental or physical incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent in the jurisdiction in which the sexual activity occurred.
- **Nonconsensual Sexual Contact:** intentional contact by the Respondent with the Complainant's intimate parts (breasts, buttocks, genital area, groin, or inner thigh), clothed or unclothed; touching the Complainant with any of these body parts,



clothed or unclothed; coerced touching by the Respondent of another's breasts, buttocks, genital area, groin, or inner thigh, clothed or unclothed; or forcing another to touch oneself with or on any of these body parts.

**Dating violence** is violence on the basis of sex committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship;
  - The type of relationship; and
  - The frequency of interaction between the persons involved in the relationship.

**Domestic violence** is violence on the basis of sex committed by a person who:

- Is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of the jurisdiction of the College, or a person similarly situated to a spouse of the Complainant;
- Is cohabitating, or has cohabitated, with the Complainant as a spouse or intimate partner;
- Shares a child in common with the Complainant; or
- Commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of the jurisdiction.

**Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

- "Course of conduct" means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any actions, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.
- "Substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
- Stalking includes "cyber stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

Examples of Stalking might include repeated and unwanted communication (in person, in writing, by phone, or by computer); unwelcome gifts, notes or flowers; following a person; causing damage to personal property; watching someone; or remaining in the physical presence of the other person without reasonable cause.

**(4) Complicity:** Any act that knowingly aids, abets, facilitates, promotes or encourages the commission of any act of Prohibited Conduct by another person, without regard for whether the intended prohibited conduct occurred.

**(5) Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another for one's own benefit or for the benefit of anyone other than the person being exploited, including extending the bounds of consensual contact without the knowledge or consent of the other person. Sexual exploitation is conduct that does not otherwise constitute Prohibited Conduct under this Policy.

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

- Inducing 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;
- Sexual extortion;
- Creating and/or disseminating "deep fake" sexual images depicting intimate parts or sexual acts;
- Allowing third parties to observe private sexual activity from a hidden location or through electronic means;
- Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, groin, breasts, or buttocks) in a place where that person would have a reasonable expectation of privacy);
- Recording or photographing private sexual activity and/or a person's intimate parts, including genitalia, groin, breasts, or buttocks, without consent;
- Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without consent;
- Forcing a person to take an 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;
- Threatening to disclose an individual's sexual orientation, gender identity, or gender expression;
- Prostituting or sex trafficking another person; or
- Exposing another person to a sexually transmitted infection or virus without the other person's knowledge.

## **Retaliation**

Retaliation is intimidation, threats, coercion, or discrimination against any person involved in the Title IX processes, to include a student, an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations. This includes any charges filed against an individual for Honor Code or campus policy violations that do not involve sex discrimination or sex-based harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Complaint of sex-based harassment (per the College's Medical Amnesty Policy).

Peer retaliation is defined as retaliation by one student against another student or employee against

another employee.

Concerns regarding retaliation should be promptly reported to the Title IX Coordinator.

### **Informal Resolution**

In lieu of resolving a Complaint through the formal grievance procedures, the parties may instead elect to participate in an informal resolution process, except as otherwise noted. Meredith College does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a Student or minor, or when such a process would conflict with Federal, State, or local law.

A Complainant who has alleged sex discrimination at Meredith College but who does not wish to pursue a formal process through the Title IX Grievance Procedures may request a less formal proceeding, referred to as the informal resolution process. Any time before the College has reached a determination regarding responsibility, the College may facilitate an informal resolution process with the voluntary agreement of all Parties.

At any time prior to agreeing to a resolution under such a process, any party has the right to withdraw from the informal resolution process and resume the applicable grievance process with respect to the Complaint. The College also has the discretion to discontinue the process and move forward with the appropriate grievance process.

Before initiation of informal resolution process, the College will provide the parties with written notice that explains:

- The allegations of Prohibited Conduct;
- The process requirements;
- That, prior to agreeing to a resolution, any Party has the right to withdraw and to initiate or resume the grievance process;
- That the Parties' agreement to a resolution at the conclusion of the process would preclude the Parties from initiating or resuming grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in the process, including notice that an informal resolution agreement is binding only on the parties; and
- The information the College will maintain and whether it could disclose such information for use in grievance procedures.

The informal resolution process may be conducted by a variety of means, including but not limited to in-person, virtually, and in writing, as deemed appropriate by the Title IX Coordinator, based on factors such as the nature of the complaint, the desires of the Parties, and any other relevant considerations.

The Title IX Coordinator may facilitate the process or assign a facilitator as appropriate. If either Party believes that the assigned facilitator has a conflict of interest or bias, they should notify the Title IX Coordinator immediately and not later than two (2) business days from disclosure of the name of the facilitator. If the Title IX Coordinator is the facilitator, the College's Vice President of Business & Finance (or their designee) should be notified of any concern of bias or conflict of interest of the Title IX Coordinator.

As a condition of engaging in informal resolution, the statements made, or evidence shared, during the informal resolution process will not be considered in any resulting formal grievance procedures unless all Parties provide written consent. A resolution agreement reached in the informal resolution process may be considered in subsequent disciplinary proceedings under this or any other College policy that does not arise out of the same alleged incident(s).

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions, including but not limited to a referral to the applicable conduct process for failure to comply with a College directive or other related requirement. The results or agreements resulting from the informal resolution process are not appealable.

The College's timeframe for completing the informal resolution process is twenty (20) business days from the Parties' written agreement to participate.

## **Grievance Procedures**

All grievance procedures will treat Complainants and Respondents equitably. The College has established grievance procedures for Complaints of sex discrimination, to include sex-based harassment. For sex-based harassment complaints involving a Student, the sex-based harassment grievance procedures will be used. For all other allegations of Prohibited Conduct, regardless of who the Parties are and the Prohibited Conduct alleged, the sex discrimination grievance procedures will be used.

**Fundamental Requirements Applicable to all Complaints of Prohibited Conduct:** In addition to the provisions above, and in accordance with Title IX, the College has instituted grievance procedures that are intended to be prompt, fair, and equitable to both the Complainant and Respondent. To that end, for all allegations of Prohibited Conduct, the College:

- Requires that any Title IX Coordinator, investigator, or decisionmaker be properly trained and not have a conflict of interest or bias for or against Complainants or Respondents generally, or an individual Complainant or Respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator;
- Presumes that the Respondent is not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of the determination process;
- Assumes the burden of proof and must establish the responsibility of the Respondent by a Preponderance of the Evidence Standard. Preponderance of the Evidence means that it is more likely than not that a Policy violation occurred;
- Will take reasonable steps to protect the privacy of the Parties and witnesses during its grievance procedures. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses, consulting with their family members, confidential resources, or advisors (where permitted), or otherwise preparing for or participating in the grievance procedures;
- Will objectively evaluate all evidence that is relevant and not otherwise impermissible, including inculpatory and exculpatory evidence. The College will not make credibility determinations based on a person's status as a Complainant, Respondent, or witness;
- Will update and keep the Parties informed of the status of the grievance procedures;

- Offers supportive measures to the Parties throughout the grievance procedures;
- Will grant reasonable requests for delay on a case-by-case basis for good cause. The Title IX Coordinator has the authority to grant such extensions when warranted by the circumstances and will notify the Parties in writing of any extension and the reason for it. Examples of good cause may include, but are not limited to, the following: absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The College will communicate in writing to the Complainant, Respondent, and relevant participants, if a good cause delay occurs; and
- Will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures.

**Appointment of Investigator and Decisionmaker:** All Complaints under this Policy will be investigated by one (1) to three (3) qualified and trained investigators appointed by the Title IX Coordinator. Similarly, all Complaints that are processed through the formal grievance procedures will be adjudicated by one (1) or three (3) qualified and trained decisionmakers appointed by the Title IX Coordinator to serve as decisionmaker.

The investigator and decisionmaker roles may be assigned to Meredith employees or may be contracted externally. The College reserves the right to appoint any individuals who are without conflict or bias. The Title IX Coordinator and Deputy Title IX Coordinator may be appointed to either role if they are not also serving as the Title IX Coordinator for that matter. A decisionmaker may also be the same person who investigated the Complaint.

**Extensions and Delays:** The Grievance Procedures will be concluded within a reasonably prompt manner. The Complaint, provided that the Process may be extended for a good reason, including but not limited to, the absence of a Party or a key witness, concurrent law enforcement activity, attempted informal resolution, new or amended allegations, intervening breaks in the academic or College calendar, the need for language assistance or accommodation of disabilities, or other extenuating circumstances. Parties may request a reasonable extension of case deadlines based on extenuating circumstances. A party's request for any delay must be submitted in writing to the Title IX Coordinator with as much advance notice as is reasonably available.

**Impermissible Evidence that Must be Excluded for all Grievance Procedures:** Certain types of evidence (and questions seeking that evidence), are impermissible and will not be considered by the College in any process under the Policy. Such evidence and information will not be accessed or considered (except by the College to determine whether one of the exceptions listed below applies), will not be disclosed, and will not otherwise be used, regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by federal or state law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless the College obtains that Party's or witness's voluntary, written consent for use in its grievance process; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of

the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The existence of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

### **Initiation of College Grievance Procedures upon Receipt of a Complaint of Prohibited Conduct**

**Initial Assessment:** Within seven (7) days of receipt of a Complaint or, as applicable a Report, of an allegation of Prohibited Conduct, the Title IX Coordinator will evaluate the Complaint or Report to determine whether the reported conduct may reasonably constitute a violation of the Policy. As part of the evaluation, the Title IX Coordinator will typically consider the definitions of Prohibited Conduct and whether the alleged conduct occurred within the College's jurisdiction. The College will investigate allegations of Prohibited Conduct contained in a Complaint, unless it determines that the Complaint should be dismissed.

**Dismissal of a Complaint:** The College also has the discretion to dismiss a Complaint, at any time during any grievance procedures under this Policy, if any of the following occur:

- The College is unable to identify the Respondent after taking reasonable steps to do so;
- The Complaint declines to participate in the grievance procedures and/or the College is unable to collect sufficient evidence to reach a determination about the alleged conduct;
- The Respondent is not participating in the College's education program or activity and is not employed by Meredith College;
- For allegations of sex discrimination, Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Title IX Coordinator does not initiate a Complaint;
- For allegations of sex-based harassment, the College obtains the Complainant's voluntary withdrawal, in writing, of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and the College determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex-based harassment under Title IX even if proven. Before dismissing the complaint, the College will make reasonable efforts to clarify the allegations with the Complainant; or
- The College determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven.

Upon dismissal of a Complaint, the College will send written notice of the dismissal and reason(s) as to why the dismissal occurred, simultaneously to both Complainant and Respondent. Complainants and/or Respondents are able to appeal the dismissal of a Complaint by submitting an Appeal Statement in writing to the Title IX Coordinator within three (3) business days of receiving the dismissal decision. The other party will be notified of the appeal and be given three (3) business days to submit a written response to the Title IX Coordinator. For more information about the appeals process, see the Appeals section of this Policy.

A dismissal does not preclude pursuit of the allegations under any other College Policy governing the conduct of our community members, as applicable.

Upon dismissal, the College will offer supportive measures to the Complainant (and Respondent if aware of the allegations).

**Notice of Referral:** Upon dismissal for the purposes of Title IX, Meredith College retains discretion to utilize other campus policies (i.e. employment policies, Honor Code, etc.) to determine if a violation of that policy has occurred. If so, the Title IX Coordinator will promptly send to both Parties written Notice of the Dismissal of the Complaint under the Title IX Grievance Policy process and Notice of Referral of the allegations to the applicable review process.

**Consolidated Complaints:** Meredith College may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable.

**Notice of Meetings and Interviews:** Meredith College will provide to a Party whose participation is invited or expected, written notice via Meredith College email, or other approved email if no Meredith-issued email is available, of the date, time, location, participants, purpose of investigative interviews, hearings (if applicable) or other meetings with a Party, with sufficient time for the Party to prepare to participate. Notice is sent to the Party only, and not their advisor.

**Timing:** The timeframe for the Title IX Grievance Procedures for investigations of Title IX Sex Discrimination begins with the filing of a Complaint. Generally, the Complaint will be reviewed and Notice of Investigation and Allegations sent to the parties within ten (10) business days and then the investigation will be completed within sixty (60) business days; Parties' review of the investigation report or summary (as applicable) and written responses within seven (7) business days; and the review conducted and a written determination issued to both Parties within thirty (30) business days. If determination is appealed, the review process will be completed within twenty (20) business days. Please see Extensions and Delays for additional timing considerations.

### **Grievance Procedures Specific to Complaints of Sex Discrimination (for All Party Types) and Sex-Based Harassment (for Non-Students)**

These procedures apply to all Complaints alleging sex discrimination (including Retaliation) and to Complaints alleging sex-based harassment in which no party is a student.

**Notice of Investigation and Allegations (NOIA) for Prohibited Conduct:** Upon initiation of the College's grievance procedures, the College will simultaneously provide the Parties within ten (10) business days a written NOIA, which will be updated throughout the process as necessary. The NOIA will notify the Parties of the following:

- Information about the Title IX grievance procedures and the informal resolution process;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to violate the Policy, and the date(s) and location(s) of the alleged incident(s);

- The specific potential Policy violations;
- Burden of proof and presumption of non-responsibility;
- Retaliation is prohibited;
- Knowingly making false statements is prohibited; and
- The Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.

If the investigation reveals additional allegations of Prohibited Conduct, whether by the Complainant toward the Respondent or by the Respondent toward the Complainant (and that Complaint is consolidated), the College will promptly issue an amended Notice to the Parties containing the additional allegations and apply the applicable grievance procedures.

**Investigation:** As part of the investigation process, the burden is on the College (and not any Party) to conduct an investigation that gathers sufficient evidence to determine whether the Prohibited Conduct occurred. The role of the investigator is to gather relevant information or evidence, including through interviews of parties and witnesses and the collection of other data and documentation, including information obtained directly from the Parties and witnesses or otherwise obtained from public and other resources.

The College's timeframe for conducting investigation is typically thirty to sixty (30-60) business days from the disclosure of the investigator to the Parties.

In most cases, the investigator will first seek to interview each Party to obtain their account of the facts and circumstances surrounding the Complaint. The investigator may request information from the Parties or witnesses about additional witnesses who have not already participated in the process, their location, and how to contact them. Interview requests will be submitted in writing to participants, will include information about the arrangements and purpose of the meeting, and will give participants sufficient time to prepare to participate.

The Parties are afforded an equal opportunity to suggest questions to be asked of the other Party, to suggest fact witnesses with relevant information, and to provide other inculpatory and exculpatory evidence that are relevant to the allegations and not otherwise impermissible. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred.

When expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation, the investigator may consult medical, forensic, technological, or other experts. Relevant information obtained through those efforts will be shared with the Parties. Information and opinions from experts may be sought by the investigator only as part of the grievance procedures, unless the Parties are invited to provide expert information.

It is important to understand that the College cannot require or compel a student witness or witness from outside the community to participate in the grievance procedures, but they are encouraged to participate and share their personal knowledge of information relevant to the allegations. The investigator will review all evidence gathered through the investigation and determine what evidence collected is relevant and what evidence is impermissible (regardless of relevance).



As part of the process of investigating the Complaint, at the conclusion of the investigation, the College will provide each Party with an equal opportunity to review and respond to the evidence that is relevant to the allegations and not otherwise impermissible through either (1) an accurate description of this evidence, or (2) access to the relevant and not otherwise impermissible evidence upon the request of any Party. Upon a request of a Party receiving an accurate description of the evidence, the College will provide access to the relevant and not otherwise impermissible underlying evidence (that was used to prepare the description) to the Parties.

The Parties will have seven (7) business days from the College's notification providing access to the evidence or the accurate description of the evidence to submit their written response to the evidence to the Title IX Coordinator. The Title IX Coordinator will provide each response to the other Party, and the Parties will have three (3) business days to submit a written response to the Party's response to the Title IX Coordinator. Absent extraordinary circumstances, this is anticipated to be a Party's final opportunity to submit evidence as part of the grievance procedures. Upon completion of the investigation process, the investigation materials, including any Party response, will be provided to the decisionmaker.

**Determination Whether Prohibited Conduct Occurred:** Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the decisionmaker(s) will determine whether the Policy has been violated.

The role of the decisionmaker(s) is to provide all Parties with an equitable opportunity to be heard and to reach a full and fair determination as to responsibility and imposition of any sanction, should there be a finding of responsibility. The Parties will be afforded two (2) business days to raise concerns about the bias or conflict of interest of any individual assigned as decisionmaker, upon the College's notification of the individual(s) assigned.

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the decisionmaker(s) may, in their discretion, choose to question any Party or witness to adequately assess a Party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of Prohibited Conduct. In such event, the decisionmaker(s) will coordinate with the Title IX Coordinator to arrange for the questioning. The College will then provide each Party with an opportunity to review any relevant and not impermissible evidence and provide a written response to the Title IX Coordinator within three (3) business days of being provided access.

The decisionmaker(s) will review the available relevant evidence and any Party response and then use the Preponderance of the Evidence standard to determine whether the Prohibited Conduct occurred. The standard of proof requires the decisionmaker(s) to evaluate relevant and not otherwise impermissible evidence for its persuasiveness and, if the decisionmaker(s) is not persuaded that Prohibited Conduct more likely than not occurred, whatever the quantity of the evidence is, the decisionmaker(s) will not make a determination that the Prohibited Conduct occurred.

The decisionmaker(s) will prepare a written determination of whether Prohibited Conduct occurred, including the finding of responsibility or non-responsibility, and the rationale. The Parties will be notified in writing of the procedures and permissible bases to appeal the determination. The decisionmaker(s) will not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance process that the Respondent engaged in the Prohibited Conduct.

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

If there is a determination that Prohibited Conduct occurred, the Title IX Coordinator will, as appropriate:

- Coordinate the provision and implementation of remedies to a Complainant and other people the College identifies as having had equal access to the College's education program or activity limited or denied by sex discrimination;
- Coordinate the imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and
- Take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur within Meredith College's education program or activity.

The College's timeframe for the determination process is typically thirty (30) business days from the time the assigned decisionmaker(s) receives the investigation materials and Party responses.

The College will not discipline a Party, witness, or others participating in the grievance procedures for making a false statement or for engaging in Prohibited Conduct based solely on the determination whether the Prohibited Conduct occurred (or did not occur).

### **Grievance Procedures for Complaints of Sex-based Harassment Involving a Student as a Party**

These heightened grievance procedures apply to any Complaint of sex-based harassment that includes a student as a Party. In essence, these grievance procedures include all of the procedures required for Complaints of sex discrimination, retaliation, and sex-based harassment involving non-students, plus the additional procedural requirements identified in this Section.

**Determining Student Status for Complaints of Sex-based Harassment:** An individual may be enrolled as a student and hold regular/non-student employment with the College. In such situations, the grievance options available to them will be defined by their role at the time the sex-based harassment occurred. For example, an assistant employed full-time with the College may also be enrolled in a class offered by the College. If the sex-based harassment occurred in their employment environment and did not involve another student as a Party, the grievance procedures for Complaints of Sex-Based Harassment Involving a Student as a Party would not be available for review of the matter, but instead the Complaint would be considered under the grievance procedures specific to Complaints of Sex Discrimination (for All Party Types and Sex-Based Harassment / for Non-Students).

**Right to An Advisor of Choice:** Parties to a Complaint alleging sex-based harassment involving a student as a Complainant or Respondent have the right to an advisor of choice and have the right to be accompanied to meetings by an advisor of their choice, who may be, but is not required to be, an attorney. Generally, the advisor selected should be free of conflicts of interest in the grievance process. If a member of the College community, the advisor should be free of conflicts in his or her position in the community. Parties must notify the Title IX Coordinator, in writing, of their advisor of choice. This right will be included in the NOIA received for the Complaint.

A Party's advisor must observe the following protocols:

- The purpose of the advisor is to support a Party in the grievance process.
- During the investigation phase of the grievance process or in any other meeting, advisors may confer with their advisee, but they may not speak on behalf of their advisee, advocate for their advisee, or otherwise actively participate in the process.
- The advisor may accompany their advisee to all meetings relating to the grievance process, including the informal resolution process, if applicable.
- While advisors may assist their advisee in drafting written communications to the College, they may not directly or indirectly communicate with the Title IX Coordinator, the investigator, any decisionmaker, witnesses (other than their own advisee), or the Appeal Officer.
- Advisors may not interrupt or otherwise unduly delay the grievance process. The College will strive to accommodate advisors' schedules; however, if an advisor is not reasonably available to participate, the College reserves the right to move forward with its process in order to ensure its prompt completion.
- With the permission of their advisee, advisors will be provided access to the same investigation materials and permissible evidence that is available to their advisee. This information frequently includes student records and other confidential and highly sensitive information. Advisors' access to such information is conditioned upon their agreement to maintain the confidentiality of these records, except when disclosure is legally authorized. Advisors may only discuss information disclosed through the investigation process with their advisee. For example, if a party's advisor is an attorney, the attorney may not share any information obtained during the investigation process with other attorneys or staff associated with the attorney.
- Violations of confidentiality or other forms of interference with the process by the advisor may result in disqualification of an advisor, in addition to other available actions.
- The College reserves the right to disclose information about the identity of one party's advisor to the other party in a grievance process.

In selecting an advisor, each party should consider the potential advisor's availability to attend interviews and meetings. Generally, the College will not delay its processes to accommodate the schedules of advisors.

Each party and their advisor will be required to sign an Advisor Agreement acknowledging their understanding and agreement to abide by the College's requirements for advisors.

**Complaints:** As defined in this Policy, Complaints of sex-based harassment can only be made by someone alleged to have been subjected to the sex-based harassment, another person with a legal right to act on behalf of such person (like a guardian or parent of a minor), or the Title IX Coordinator.

**Additional Information in the Notice of Investigation and Allegations:** The written NOIA, sent to the Parties simultaneously, will include additional information, including:

- The importance of preserving evidence;
- The right to an advisor of choice; and
- That the Parties are entitled to an equal opportunity to access an investigative report that accurately summarizes the evidence, including the relevant and not impermissible evidence.

**Additional Procedures for Investigations of Sex-Based Harassment:** At the conclusion of the

investigation, the College will provide each Party and the Party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, through a written investigative report that accurately summarizes this evidence and includes the relevant and not otherwise impermissible evidence. Each Party will have a reasonable opportunity to review and respond to the investigative report and evidence. The Parties will have seven (7) business days from receipt of access to the investigative report and evidence to submit their written response to the Title IX Coordinator.

The Title IX Coordinator will provide access to each response to the other Party, and the Parties will have three (3) business days to submit a written response to the Party's response to the Title IX Coordinator. Absent extraordinary circumstances, this is anticipated to be a Party's final opportunity to submit evidence as part of these grievance procedures. The Party responses should include any additional questions they want asked of any Party or witness by the investigator or decisionmaker(s) during one or more individual meetings, including follow-up meetings, as part of the decision-making process, as described below. Parties should expect to have multiple interviews, including a follow-up interview, as part of the process.

Upon completion of the investigation process, the investigation materials, including any Party responses, will be provided to the decisionmaker(s).

### **Additional Procedures for Questioning and Determination of Whether Sex-Based Harassment**

**Occurred:** For Complaints alleging sex-based harassment, the decisionmaker(s) will have the discretion to question Parties or witnesses to adequately assess a Party's or witness's credibility, to the extent credibility is both in dispute and relevant to evaluating one or more allegations. The questioning is not conducted through a live hearing but, instead, when the decisionmaker(s) either provides questions for the investigator to ask of the Party or witness or when the decisionmaker(s) arranges to ask the questions directly, during individual meetings, with the Party or witness.

As part of this questioning process, the decisionmaker(s) will review any questions submitted by any Party, in writing, and determine whether each proposed question is relevant and not otherwise impermissible. The decisionmaker(s) will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the Party or witness to be questioned will not be permitted.

In advance of the individual meeting, the decisionmaker(s) will give a Party an opportunity to clarify or revise a question that the decisionmaker(s) determines is unclear or harassing. If the Party sufficiently clarifies or revises the question, the question will be asked. All other questions deemed relevant and not impermissible will be asked of the Party or witness. As soon as reasonably possible after the individual meeting, each Party will be provided a transcript of the meeting. Each Party will have five (5) business days to propose relevant and appropriate follow-up questions. The decisionmaker(s) will then determine whether the follow-up questions will be asked or whether sufficient evidence and information have been already collected.

During questioning, neither a Party nor witness can be compelled to respond to any question posed. The decisionmaker(s) may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker(s) will not draw an inference about whether sex-based harassment occurred based solely on a Party's or witness's refusal to respond to such questions.

Once the decisionmaker(s) has reached their conclusion and prepared a written determination, the Parties will simultaneously receive the written determination, which will include the following:

- A description of the alleged sex-based harassment;
- Information about the policies and procedures that the College used to evaluate the allegations;
- The decisionmaker(s) evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
- Disciplinary sanctions for determinations of responsibility, whether remedies other than the imposition of disciplinary sanctions will be provided by the College to the Complainant, and, to the extent appropriate, other students identified by College to be experiencing the effects of the sex-based harassment; and
- Procedures and permissible bases for the Complainant and Respondent to appeal.

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

The College's timeframe for the determination process of allegations of sex-based harassment is typically thirty (30) business days from the time the decisionmaker(s) receives the investigation materials and any responses submitted by the Parties.

**Range of Sanctions and Remedies:** If there is a finding of responsibility for any form of Prohibited Conduct, the College will impose remedies and/or sanctions as necessary to end the misconduct, prevent its recurrence, and address its effects. Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct.

When determining appropriate remedies and sanctions, the College reserves the right to take whatever measures deemed necessary in response to an allegation of Prohibited Conduct to protect the rights and personal safety of the Complainant and Meredith College community members. Not all forms of Prohibited Conduct are deemed equally serious offenses, and different remedies or sanctions may be imposed based on the offense severity and any previous conduct violations.

Respondents found responsible for Prohibited Conduct under this Policy may face the following sanctions, as determined to be appropriate based on the circumstances:

- Verbal warning;
- Written reprimand;
- Probation;
- Revocation of admission to Meredith College;
- Suspension of one semester or more with possible reinstatement requirements determined by the College;
- Expulsion;
- Withholding of transcript, diploma or degree for a defined period of time or until the completion of conditions imposed;
- Revocation of degree (temporary or permanent);
- Temporary or permanent restricted access to areas of campus, and campus events, activities, or organizations;
- Temporary or permanent removal from class or living/housing assignment;

- Conditions upon presence on campus or at College events;
- Campus ban;
- No contact order;
- Required attendance at an educational training, meetings, or program;
- Writing a reflection paper;
- Behavioral contract;
- Monetary fine;
- Payment of restitution of damages;
- Written apology;
- Required assessment, counseling, or recovery program;
- Community service hours;
- Loss of salary, benefit, or privileges;
- Suspension of promotion and salary increments ranging from one (1) semester to five (5) years, with possible reinstatement requirements required by the College;
- Removal or non-renewal of scholarships or honors;
- Transfer or change of job or responsibilities;
- Demotion; and
- Termination of employment.

Campus organizations may also be sanctioned when an investigation shows that a campus organization has committed or promoted Prohibited Conduct. Sanctions include, but are not limited to, loss of privileges (including, but not limited to, prohibition on activities and use of College facilities), educational requirements, additional oversight, and temporary or permanent loss of organization recognition and funding. Campus organizations and departments are responsible for the actions of their members when operating on behalf of the organization or department.

Remedies are designed to restore or preserve the Complainant's equal access to the College's education program or activity. Remedies and protective measures include implementing or extending interim or supportive measures, such as:

- No contact order (that need not be mutual);
- Academic modifications;
- Restrictions and prohibitions from College property or participation in College events;
- Changes to living or house arrangements;
- Changes to student or employee status or responsibilities;
- Changes to work or class schedules;
- Campus escort services; and
- Counseling services, as available

Other remedies may be designed to address the Meredith College community in connection with activities where Prohibited Conduct might recur, in addition to broad or specific educational programming or training.

The Title IX Coordinator is responsible for effective implementation of sanctions and remedies. The Title IX Coordinator may notify relevant administrative and academic offices, as deemed necessary, for any sanctions or remedies imposed.

## **Appeals**

**Appeal of Dismissals:** A party wishing to appeal a decision to dismiss a Complaint or any allegations, may do so by submitting a written appeal statement to the Title IX Coordinator within three (3) business days of when the Title IX Coordinator sent the Notice of Dismissal to the parties. A decision denying a request to dismiss a Complaint or any allegations is not appealable.

The appeal statement should state the grounds for appeal. The non-appealing party will have an opportunity to review and respond to the appeal statement. A non-appealing Party's response to an appeal statement must be received within three (3) business days of notice of the appeal. The Title IX Coordinator will provide the Complaint, Notice of Dismissal, and any other information relevant to the appeal statement to the Appeal Officer for review.

The Appeal Officer will not be the Title IX Coordinator or anyone who has had any other previous involvement in the matter. If a Party has any concern that the Appeal Officer has a conflict of interest, such concern should be reported to the Title IX Coordinator, in writing, within two (2) business days after receiving the notice of the assigned Appeal Officer.

Either or both parties may contest the dismissal determination on any one or more of the following grounds:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

Failure to comply with these procedures may result in the rejection of an appeal.

If a party appeals the Notice of Dismissal, the Appeal Officer will review the appeal submissions, the Complaint, the Notice of Dismissal and other relevant information to determine whether the appeal has merit.

In reviewing any appeal, the Appeal Officer has the ability to affirm the dismissal or overturn the decision and remand the matter for further investigation and adjudication. The Appeal Officer will simultaneously issue to both Parties a written decision describing the result of the appeal and the rationale for the result within five (5) business days after receipt of all appeal documents.

**Appeal of Determination:** A Party wishing to appeal a decision by any decisionmaker(s) for any determination of a Complaint of Prohibited Conduct may do so by submitting a written appeal statement to the Title IX Coordinator within five (5) business days of when the Title IX Coordinator sent the notice of determination to the Parties.

The appeal statement should state the grounds for appeal. The non-appealing party will have an opportunity to review and respond to the appeal statement within five (5) business days of notice of the appeal. The Title IX Coordinator will provide the investigative report, the Notice of Determination, the appeal submissions, and any other information relevant to the appeal to the Appeal Officer for review.

Instructions on how to appeal will be included in the Notice of Determination. The College will assign a trained Appeal Officer who will not be the Title IX Coordinator, or any decisionmaker, the investigator, or have had any other previous involvement in the matter. If a Party has any concern that the Appeal Officer has a conflict of interest, such concern should be reported to the Title IX Coordinator, in writing, no later than two (2) business days after receiving notice of the Appeal Officer.

Either or both parties may contest the determination regarding responsibility on any one or more of the following grounds:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

For Complaints of Sex-Based Harassment, an additional ground applies:

- Sanction(s) is substantially disproportionate to the offense.

Failure to comply with these procedures may result in the rejection of an Appeal Petition.

If either of the Parties appeals the determination, the Appeal Officer will review the appeal submissions, the investigation report, the Notice of Determination, and other relevant information to determine whether the appeal has merit. The Appeal Officer will not rehear the case, but will review the appeal file and consider whether it is more likely than not that any of the above-listed grounds for appeal have been satisfied.

In reviewing any appeal, the Appeal Officer has the ability to affirm the determination, overturn the determination, or remand the matter, with instructions, for further investigation and adjudication by the same or different investigators and/or decisionmakers, as applicable.

The Appeal Officer will simultaneously issue to both Parties a written decision describing the result of the appeal and the rationale for the result within ten (10) business days after receipt of the appeal files.

## **Other Information**

**Education and Training Programs:** The College is committed to promoting awareness and increasing the prevention of conduct prohibited under this Policy through education and training programs. The Title IX Coordinator maintains information about educational and training programs for students and employees. Programs for students include an overview of this Policy as well as key terms such as Prohibited Conduct under this Policy, consent, positive and safe ways for bystanders to intervene, and available resources on and off campus. The College may provide educational materials through a variety of outlets including online training, emails, new student orientation, annual updates/training for employees, and new employee orientation.

The Title IX Coordinator, Deputy Title IX Coordinator, designees of the Title IX Coordinators, investigator(s), decisionmakers and Appeals Officers receive training on how to fairly and equitably



investigate and adjudicate conduct violations and disclosures.

**Recordkeeping:** For a period of at least seven (7) years following the conclusion of the Grievance Process, the College will maintain the following records of:

- Each discrimination, harassment, and retaliation grievance process, including any determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required by law;
- Any disciplinary sanctions imposed on the Respondent;
- Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to the College's education program or activity;
- Any appeal and the result;
- Any informal resolution and the result;
- All materials used to provide training to the Title IX Coordinator, investigators, decisionmakers, Appeal Officers, informal resolution facilitator, and any person who is responsible for implementing the College's Grievance Process, or who has the authority to modify or terminate supportive measures. The College will make these training materials available for review upon request;
- All materials used to train all employees consistent with the requirements in the 2024 Title IX Regulations; and
- Any other records required in accordance with state and federal law.

These records will be maintained in accordance with the privacy protections set forth in Title IX, Title VII, the Clery Act, FERPA, and applicable state law regarding the privacy of personnel records.

**Review of Policy:** These procedures succeed any previous procedures addressing discrimination, harassment, and retaliation for incidents occurring on or after August 1, 2024. The College will regularly review and update these procedures. The College reserves the right to make changes to this Policy as necessary, and once those changes are posted online, they are in effect.

This Policy reflects the College's good faith effort to implement the Title IX regulations, as effective August 1, 2024, and to conform the obligations imposed under those regulations with other federal laws, including the Clery Act, as well as state law applicable to students and employees. The College reserves the right to modify this Policy and the accompanying procedures as necessary. Given the evolving nature of the legal requirements applicable to Prohibited Conduct, and the desire to provide accessible, effective, and legally-complaint policies and procedures, the College will review this Policy on at least an annual basis. The review will take into consideration evolving legal requirements, evaluate the support and resources available to the Parties, and assess the effectiveness of the resolution process.

If governing laws or regulations change, or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent governing laws or regulations or court holdings.

For questions about Meredith College's Title IX Policy, grievance procedures and campus and community resources, contact the Title IX Coordinator and also visit Meredith College's Title IX web page at [www.meredith.edu/title-ix](http://www.meredith.edu/title-ix).

*Updated August 2024*