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U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100

For Complaints involving employee-on-employee conduct:

Equal Employment Opportunity Commission (EEOC)

1-800-768-9199

All Washington College faculty and employees (including student-employees), other than those deemed Confidential Employees, are Mandated Reporters and are expected to promptly report all known details of actual or suspected discrimination, harassment, and/or retaliation to appropriate officials immediately, although there are some limited exceptions. Supportive measures may be offered as the result of such disclosures without formal Washington College action.

Complainants may want to carefully consider whether they share personally identifiable details with Mandated Reporters, as those details must be shared with the Title IX Coordinator.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged crimes and/or Policy violations, and these employees will immediately pass Notice to the Title IX Coordinator (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

The following sections describe Washington College

designated as confidential for purposes of providing support and resources to the Complainant; and 3) Those conducting human subjects research as part of a study

incident. If the Respondent is unknown or is not a member of the college community, the

Washington College policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on Washington College's education program and activities, or when they involve the use of college networks, technology, or equipment.

Although Washington College may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to Washington College, it will engage in a variety of means to address and mitigate the effects. These means may include use of the Resolution Process to address off-campus conduct whose effects contribute to limiting or denying a person access to Washington College's education program or activity.

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Washington College strives to ensure that all individuals are safe, included, and respected in their working and learning environments, regardless of their gender identity or expression, including intersex, nonbinary, transgender, agender, two-spirit, and gender-diverse students and employees.

Discrimination and harassment on the basis of gender identity or expression are not tolerated by the college. If a member of the campus community believes they have been subjected to discrimination under this Policy, they should follow the appropriate reporting process described herein.

In upholding the principles of equity and inclusion, Washington College supports the full integration and healthy development of those who are transgender, transitioning, nonbinary, or gender-diverse, and seeks to eliminate any stigma related to gender identity and expression.

The college is committed to fostering a climate where all identities are valued, contributing to a more vibrant and diverse community. The purpose of this Policy is to have Washington College administratively address issues that some students and employees, including those identifying as intersex, transgender, agender, nonbinary, and gender-diverse, may confront as they navigate systems originally designed around the assumption that gender is binary. As our society's understanding of gender evolves, so do the college's processes and policies.

Concepts like misgendering and deadnaming may not be familiar to all but understanding them is essential to college's goal of being as welcoming and inclusive a community as possible.

Misgendering or mispronouncing is the intentional or unintentional use of pronouns or identifiers that are different from those used by an individual. Un es tusi ra

Intentional misgendering is inconsistent with the type of community we hold ourselves out to be and may constitute a Policy violation if the effect is greater than harm. We each have a right to determine our own gender identity and expression, but we don't get to choose or negate someone else's.

Deadnaming, along with misgendering, can be very traumatic to a person who is transgender, transitioning, nonbinary, or gender diverse. Deadnaming means using someone's birth-assigned (cisgender) name, rather than the name they have chosen.

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discrimination, harassment, and retaliation. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of prohibited Sexual discrimination, harassment, and retaliation that are also prohibited under Washington College Policy.

- Otherwise adversely affects a term or condition of a person's participation in a Washington College program or activity.

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Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:

- Excludes a person from participation in;
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is so severe or pervasive,
that it limits or denies a person's ability to participate in or benefit from
Washington College's education program or activity

Throughout this Policy, "on the basis of sex" means conduct that is sexual in nature,
or that is directed to the Complainant because of his/her/their actual or perceived
sex or gender identity.

The College reserves the right to address offensive conduct and/or harassment that
(1) does not rise to the level of creating a hostile environment, or (2) that is of a
generic nature and not based on a protected characteristic. Addressing such
conduct will not result in the imposition of discipline under Washington College
Policy, but may be addressed through respectful conversation, remedial actions,
education, effective Alternative Resolution, and/or other Informal Resolution
mechanisms.

For assistance with Alternative Resolution and other Informal Resolution
techniques and approaches, contact the Title IX Coordinator.

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Any sexual act, including Rape, Sodomy, Sexual Assault with an Object, or Fondling
directed against another person, without the consent of the victim, including
instances where the victim is incapable of giving consent; also unlawful sexual
intercourse.

- because of their temporary or permanent mental or physical incapacity

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Respondent's use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of the Complainant, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent

- because of their age or
- because of their temporary or permanent mental or physical incapacity

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The touching of the private body parts (breasts, buttocks, groin) of the Complainant by the Respondent or causing the Complainant to touch the Respondent's private body parts intentionally for a sexual purpose without the consent of the Complainant, including instances where the Complainant is incapable of giving consent

- because of their age or
- because of their temporary or permanent mental incapacity or physical incapacity

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Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Maryland law.

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- o length of the relationship
- o type of relationship
 - frequency of the interaction between the Parties involved in the relationship.

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Felony or misdemeanor crimes committed by a person who:

- o is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of Maryland or a person similarly situated to a spouse of the Complainant;
- o is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
- o shares a child in common with the Complainant; or
- o commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of Maryland

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engaging in a course of conduct on the basis of sex, that is, directed at a specific person that would cause a reasonable person to:

- o fear for the person's safety, or
- o the safety of others; or
- o suffer substantial damage to the person's property

on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Sexual Assault with an Object is suspension through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Sodomy is suspension through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Fondling is warning through suspension (termination for employees). Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Incest is warning through probation. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Statutory Rape is warning through suspension (termination for employees). Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Stalking is probation through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Dating/Domestic Violence is probation through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Sexual Exploitation is warning through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Retaliation is warning through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

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an individual taking non-consensual or abusive sexual advantage of another, that does not constitute Sex-based Harassment as defined above.

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
Knowingly soliciting a minor for sexual activity
Engaging in sex trafficking
Knowingly creating, possessing, or disseminating child sexual abuse images or recordings
Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)
Creating or disseminating images or videos of child sexual abuse material

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Adverse action, including intimidation, threats, coercion, or discrimination, against any person, by the college, a student, employee, or a person authorized by the college to provide aid, benefit, or service under Washington College education program or activity, for the purpose of interfering with any right or privilege secured by law or Policy, or because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or Resolution Process under the sexual harassment & discrimination policy & procedures, including an Informal Resolution process, or in any other appropriate steps taken by the college to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects.

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for the college to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under the Equal Opportunity, Harassment, and Nondiscrimination Policy. However, the determination of responsibility, by

Distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by Washington College; or publicly disclosing a party's personally identifiable information without authorization or consent.

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Intentional failure to comply with the reasonable directives of Title IX Coordinator in the performance of their official duties, including with the terms of a no contact order

Intentional failure to comply with emergency removal or interim suspension terms

Intentional failure to comply with sanctions

Intentional failure to adhere to the terms of an agreement achieved through informal resolution

Intentional failure to comply with mandated reporting duties as defined in this Policy

Intentional interference with the Title IX resolution process, including but not limited to:

- o Destruction of or concealing of evidence
- o Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence
- o Intimidating or bribing a witness or party

Sanctions for the above-listed Civil Rights Offenses range from warning through expulsion/termination.

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As used in this Policy, the following definitions and understandings apply:

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Consent is defined as:

knowing, and
voluntary, and
clear permission
by word or action
to engage in sexual activity.

Individuals may perceive and experience the same interaction in different

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Force is the use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Force is conduct that, if sufficiently severe, can negate consent.

Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," which elicits the response, "Okay, don't hit me. I'll do what you want").

Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person's consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

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Incapacitation is a state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

If the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated, the Respondent is not in violation of this Policy. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Washington College

The College uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that Washington College will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent is in violation of the alleged Policy violation(s).

Washington College

A Report provides notice to the Respondent of an allegation or concern about sexual discrimination, harassment, or retaliation and provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures. A Complaint provides notice to the Respondent that the Complainant would like to initiate an investigation or other appropriate resolution procedures. A Complainant or individual may initially make a report and may decide at a later time to make a Complaint. Reports or Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

- 1) File a Complaint with, or give verbal Notice directly to, the Title IX Coordinator or to any member of the Title IX Team. Such a Complaint may be made at any time (including during non-business hours) by using the telephone number, email address, or by mail to the office of the Title IX Coordinator or any other Title IX Team member listed in this Policy.

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There is no time limitation on providing Notice/Complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on Notice/Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Title IX Coordinator's discretion; they may document allegations for future reference, offer supportive measures and/or

Sometimes, employees are hesitant to report discrimination, harassment, or retaliation they have experienced for fear of getting in trouble themselves. The College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

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The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. The Title IX Coordinator will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

Sexual Assault

Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better).

Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.

If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.

If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement)

Seeking medical treatment can be essential, even if it is not for the purposes of collecting forensic evidence.

Stalking/Dating Violence/Domestic Violence/Sex-Based Harassment

Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.

Make a secondary recording of any voice messages and/or save the audio files to a cloud server.

Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).

Save copies of email and social media correspondence, including notifications related to account access alerts.

During the initial meeting between the Complainant and Title IX Coordinator, the importance of taking these actions will be discussed, if timely.

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Certain institutional officials (those deemed Campus Security Authorities) have a duty to report the following for federal statistical reporting purposes (Clery Act):

1. All "primary crimes," which include criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson
2. Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
3. Violence Against Women Act (VAWA-based crimes), which include sexual assault, domestic violence, dating violence, and stalking
4. Arrests and referrals for disciplinary action for weapons law violations, liquor law violations, and drug law violations

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on- or off-campus or in the surrounding area,

for incidents occurring before August 1, 2024. The Title IX Coordinator and Title IX Team reviews and updates these policies and procedures regularly. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If government 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 government laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

This Policy is effective August 1, 2024.

If any Party indicates (either verbally or in writing) that they want to pursue an Informal Resolution option, the Title IX Coordinator will assess whether the matter is suitable for Informal Resolution and refer the matter, accordingly.

If the Complainant indicates (either verbally or in writing) that they do not want any action taken, no Resolution Process will be initiated (unless deemed necessary by the Title IX

When the Title IX Coordinator initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy.

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The College c dismiss a Complaint if, at any time during the investigation or Resolution Process, one or more of the following grounds are met:

1. The College is unable to identify the Respondent after taking reasonable steps to do so
2. The College no longer enrolls or employs the Respondent
3. A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and Title IX Coordinator declines to initiate a Complaint
4. The College determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven. Prior to dismissal, the College will make reasonable efforts to clarify the allegations with the complainant.

A Decision-maker can recommend dismissal to the Title IX Coordinator, if they believe the grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, the Title IX Coordinator will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs / plai

Assign a trained Dismissal Appeal Officer who did not take part in an investigation of the allegations or dismissal of the Complaint;

When the Respondent is an employee, or a student employee accused of misconduct in the course of their employment, existing provisions ([here](#)) for interim action are typically applicable instead of the above emergency removal process.

The College permits student Parties to have an Advisor and a support person upon special request to the Title IX Coordinator.

Advisors appointed by the institution cannot be confidential employees, and although they will not be asked to disclose details of their interactions with their advisees to institutional officials or Decision-makers absent an emergency, they are still reminded of their Mandated Reporter responsibilities.

Before initiation of an Informal Resolution process, Title IX Coordinator will provide the Parties with a NOIA that explains:

- The allegations;

- The requirements of the Informal Resolution process;

will be paused, and the Title IX Coordinator will determine whether Informal Resolution is an option.

If Informal Resolution is available, the Title IX Coordinator will determine whether all Parties and the College are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX Coordinator implements

Members of the Pool are trained annually, and can serve in the following roles, at the discretion of the Title IX Coordinator:

- Appropriate intake of and initial guidance pertaining to Complaints
- Advisor to Parties
- Informal Resolution Facilitator
- Perform or assist with initial evaluation
- Investigator
- Decision-maker for challenges to emergency removal and supportive measures
- Decision-maker
- Appeal of Dismissal Decision-maker
- Appeal Decision-maker

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The Title IX Coordinator, in consultation with senior administrators as necessary, appoints the Pool to act with neutrality and impartiality. I

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If a party or witness chooses not to participate in the Resolution Process or becomes unresponsive, the college reserves the right to continue it without their participation to ensure a prompt resolution. Non-

questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

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Once an investigation is initiated, the Title IX Coordinator appoints an Investigator(s) to conduct it. These Investigator(s) may be members of the Resolution Process Pool, or any other properly trained Investigator, whether internal or external to Washington College's community.

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Employees (not including Complainant and Respondent) are required to cooperate with and participate in Washington College's investigation and Resolution Process. Student witnesses and witnesses from outside the campus community cannot be required to participate but are encouraged to cooperate with investigations and to share what they know about a Complaint.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx, etc.), or, in limited circumstances, by telephone. The college will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

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It is standard practice for Investigators to create a record of all interviews pertaining to the Resolution Process (other than Informal Resolution meetings). The Parties may review copies of their own interviews, upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings. If an Investigator(s) elects to audio and/or video record interviews, all involved individuals should be made aware of audio and/or video recording.

All interviews are recorded. The recording and/or transcript of those meetings will be provided to the Parties for their review, after which the Parties may pose additional

The Investigator(s) and the Decision-maker(s) will only consider evidence that is deemed relevant and not otherwise impermissible.

Relevant evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

Impermissible evidence is defined as evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless 1) evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or 2) is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent.

The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent or preclude a determination that sex-based harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

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At any point in the proceedings, if a Respondent elects to admit to the charged violations and waive further process, the Decision-maker is authorized to accept that admission, adopt it as their finding/final determination, and administer sanctions. This would also waive all rights to appeal for the Respondent, except on the ground set forth in 26(A)(5), that the sanctions fall outside the range designated for the offense. If the Respondent rejects the finding/final determination/sanctions, or does not admit to all conduct charged, the Resolution Process continues to its conclusion.

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All investigations are adequate, thorough, reliable, impartial, prompt, and fair. They involve interviews with all relevant Parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated

for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

Washington College may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order:

- Determine the identity and contact information of the Complainant.

- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated.

- Assist, if needed, with conducting a prompt initial evaluation to determine if the allegations indicate a potential Policy violation.

- Work with the Title IX Coordinator, as necessary, to prepare the initial Notice of

Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding.

specific conditions noted at the time of suspension, on successfully applying for readmission, or upon a general condition that the student is eligible to return if the institution determines it is appropriate to re-enroll/readmit the student. The student is typically required to vacate institutional property within 24 hours of notification of the action, though this deadline may be

: In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.

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Within five (5) business days of the conclusion of the Resolution Process, the Title IX Coordinator provides the Parties with a written outcome notification. The outcome notification will specify the finding for each alleged Policy violation, and any applicable sanctions.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to take to request an appeal, and when the determination is considered final if neither party appeals.

The Title IX Coordinator will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the Parties as indicated in official College records, or emailed to the Parties' College-issued or designated email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

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Should a student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from the College, the Resolution Process may continue, or Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, College will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When a student withdraws or leaves while the process is pending, the student may not return to the College in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the

Title IX Coordinator has discretion to dismiss the Complaint. The Registrar and Office of Admissions will be notified, accordingly.

If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in

3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that would change the outcome
4. The final determination by the Decision-maker is substantially contrary to the

maker, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Panel Chair or Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Panel or Appeal Decision-maker, who will promptly render a decision.

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In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeals Panel or Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by majority vote and apply the preponderance of the evidence.

An appeal is not an opportunity for the Appeal Panel or Appeal Decision-makers to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s).

The Appeal Panel or Appeal Decision-maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Administrator will maintain documentation of all such consultation.

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An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or original Decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or original Decision-maker, the Appeal Panel or Appeal Decision-maker may order a new investigation and/or a new determination with new Pool members serving in the Investigator and Decision-maker roles.

A Notice of Appeal Outcome letter will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will

specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s).

Written notification may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the Parties as indicated in official institutional records, or emailed to the Parties' College-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to

Education to the individual and/or the community
Permanent alteration of housing assignments
Permanent alteration of work arrangements for employees
Provision of campus safety escorts
Climate surveys
Policy modification and/or training
Provision of transportation assistance
Implementation of long-term contact limitations between the Parties
Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Vice President of Student Affairs, certain long-term supportive

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1. Each discrimination, harassment, and retaliation resolution process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation
2. Any disciplinary sanctions imposed on the Respondent
3. 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
4. Any appeal and the result therefrom
5. Any Informal Resolution and the result therefrom
6. All materials used to provide training to the Title IX Coordinator and designees, Investigators, Decision-makers, Appeal Decision-makers, Info ppeal Decision

The Informal Resolution (IR) process includes four options:

1. **Informal Resolution by Supportive Measures (only)**. When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
2. **Informal Resolution by Conversation**. When the Title IX Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations. (The Complainant can be involved in this conversation if they wish.)
3. **Informal Resolution by Acceptance of Responsibility**. When the Respondent accepts responsibility for violating Policy and accepts the recommended sanction(s), and the Complainant(s) and Washington College are agreeable to the resolution.
4. **Informal Resolution by Alternative Resolution Mechanism**. When the Parties agree to resolve the matter through an alternative resolution mechanism, such as shuttle negotiation, restorative practices, facilitated dialogue, etc., as described below.

Here are the principles to be considered in supporting Informal Resolution:

IR can be applied in any discrimination, harassment, retaliation, or Other Prohibited Behavior complaint but may not be appropriate or advisable in all matters, especially those involving serious violence.

Situations involving dangerous patterns or significant ongoing threat to the community should generally not be resolved by IR, unless a Respondent is accepting responsibility.

Mediation may not be used as an IR method in cases involving sexual assault.

The Title IX Coordinator has the authority to determine whether to permit an IR-based resolution, in line with any applicable federal or state requirements.

Any party can withdraw from the IR process at any time before an agreement is reached.

An IR Facilitator can also end an IR process early at their discretion.

IR can be attempted before and in lieu of formal resolution as a diversionary resolution.

Alternative approaches can inform formal resolution, as in a formal resolution model infused with restorative practices.

IR-based processes could follow a Final Determination at the Parties' request.

Alternative Resolution approaches to IR must be facilitated by a designated college representative or a third party. There may be value in creating clearly agreed-upon ground rules, which the Parties must agree to abide by in advance, otherwise the Informal Resolution process may be deemed to have failed.

Technology-facilitated IR is possible, should the Parties be unable or unwilling to

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Have reports of alleged Policy violations addressed by Resolution Process Pool members who have received relevant annual training as required by law.

A Decision-making panel that is not single sex in its composition, if a panel is used.

Preservation of confidentiality/privacy, to the extent possible and permitted by law.

Meetings, interviews, and/or hearings that are closed to the public.

Petition that any College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.

Be able to select an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.

Apply the appropriate standard of proof, preponderance of the evidence, to make a Finding and Final Determination after an objective evaluation of all relevant and permissible evidence.

Be present, including presence via remote technology, during all testimony given and evidence presented during any hearing.

Have an impact and/or mitigation statement considered by the Decision-maker following a determination of responsibility for any allegation, but prior to sanctioning.

Be promptly informed of the Resolution Process finding(s) and sanction(s) (if any) and be given a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written outcome letter delivered to the Parties simultaneously (without undue delay).

Be informed in writing of when a College decision is considered final and any changes\$ f, ly a due sociated w a if s eletion(°

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The College may contact students' parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student prior to doing so.

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Threat assessment is the process of assessing the actionability of violence by a person against another person or group following the issuance of a direct or conditional threat. A
Å i Åj is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

Implementing a VRA requires specific training. It is typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct professionals, and/or other Behavioral Intervention Team (BIT) (sometimes known as CARE team) members.

A VRA occurs in collaboration with the BIT, CARE team, and/or threat assessment team and

Assessment of the Written Word (VRAWW), Workplace Assessment of Violence Risk (WAVR-21), Historical Clinical Risk Management (HCR-20), and MOSAIC.

The VRA is conducted independently from the Resolution Process, informed by it, but free

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Resolution Process Pool members receive annual training related to their respective roles. This training may include, but is not limited to:

- The scope of Washington College's Sexual Harassment and Discrimination Policy
- Washington College Resolution Process
- How to conduct investigations and hearings that protect the safety of Complainants

related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX or this part, and annually thereafter. Materials will not rely on sex stereotypes. Training topics include, but are not limited to:

- x How to conduct a sex discrimination resolution process consistent with the Nondiscrimination Procedures, including issues of disparate treatment, disparate impact, sex-based harassment, quid pro quo, hostile environment harassment, and retaliation

The meaning and application of the term "relevant" in relation to questions and evidence and the types of evidence that are impermissible regardless of relevance under the Title IX Regulations

Training for Informal Resolution facilitators on the rules and practices associated with College's Informal Resolution process

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