

COLUMBIA COLLEGE TITLE IX POLICY AND PROCEDURE 2024

Introduction and Notice of Nondiscrimination:

Columbia College is a learning environment fostering common standards of conduct and a commitment to its institutional mission. The College, in compliance with and as required by Title IX of the Education Amendments Act of 1972 and its implementing regulations and other civil rights laws, does not unlawfully discriminate on the basis of race, color, national origin, sex, sex stereotypes, sex characteristics, sexual orientation, gender, gender identity, pregnancy or related conditions, disability, age, religion, veteran status, or any other characteristic or status protected by applicable local, state, or federal law in admission, treatment, or access to, or employment in, its programs and activities. Columbia College is committed to providing programs, activities, and an education and work environment free from sex-based harassment and sex discrimination and to fostering a community that promotes prompt reporting and fair and timely resolution of those behaviors.

Inquiries about Title IX may be referred to Columbia College's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

Columbia College's Title IX Coordinator information is as follows:

Julie King
Director of Alumni Engagement/Title IX Officer
Janet Cotter Alumnae Hall, Room 116
1301 Columbia College Drive
Columbia College, Columbia, SC 29203
juling@columbiasc.edu
803-786-3765 Business Hours
803-786-3333 Evening and Weekend Hours

U.S. Department of Education's Office of Civil Rights information is as follows:

Washington DC (Metro)
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1475
OCR.DC@ed.gov
Telephone: 202-453-6020
FAX: 202-453-6021; TDD: 800-877-8339

Columbia College's nondiscrimination policy and procedures can be found on Koala Connection [Title IX | Title IX | Koala Connection \(columbiasc.edu\)](#) .

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to the Title IX Complaint Form on the Title IX tab on Koala Connection. [Title IX | Title IX | Koala Connection \(columbiasc.edu\)](#)

Title IX's prohibition on discrimination in admission applies to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education.

As noted, Title IX only prohibits institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education from discriminating based on sex in admission.

Columbia College prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located at [Title IX | Title IX | Koala Connection \(columbiasc.edu\)](#)

Definitions

The usage of Columbia College and the College are used interchangeably in this document.

Complainant means (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 who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination. A Complainant could include: a student or employee of Columbia College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; a person other than a student or employee of Columbia College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Columbia College's education program or activity; a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or Columbia College's Title IX Officer.

Respondent means a person who is alleged to have violated the College's prohibition on sex discrimination.

Complaint means 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 discrimination under Title IX or its regulations.

Disciplinary Sanction(s) means consequences imposed on a respondent following a determination under Title IX that the respondent violated the College's prohibition on sex discrimination.

Party means a Complainant or Respondent. ***Parties*** mean both the Complainant and the Respondent.

Relevant means 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 means 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 determination that sex discrimination occurred.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the College, a student, or 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. Retaliation includes peer retaliation.

Sex-based harassment is a form of sex discrimination and means sexual 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, that is:

- (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) *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; or

(3) *Specific offenses.*

(i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

(ii) Dating violence meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the College, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or

(iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

Supportive measures mean 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 College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or

(2) Provide support during the College's grievance procedures or during an informal

resolution process.

Grievance Procedures for Complaints of Sex Discrimination

Columbia 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 Officer, alleging any action that would be prohibited by Title IX or the Title IX regulations.

The grievance procedures will be equal for all parties involved.

Complainants have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that Columbia College investigate and make a determination about alleged discrimination under Title IX.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee Columbia College or
- Any person other than a student or employee who was participating or attempting to participate in Columbia College's education program or activity at the time of the alleged sex discrimination.

Columbia 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.

Columbia College will not consolidate complaints if consolidation would violate the Family Educational Rights and Privacy Act (FERPA) or without prior written consent from the parents or eligible students to the disclosure of their education records.

Basic Requirements of Title IX Grievance Procedures:

Columbia College will treat Complainants and Respondents equitably. The College presumes that the Respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Columbia College requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual complainant or respondent.

Columbia College has established the following timeframes for the major stages of the grievance procedures:

Receipt of Notice of Allegations

Upon receipt of notice of any violation of this Policy, the Title IX Coordinator(s) will schedule an individual intake meeting with the Complainant in order to provide the Complainant with a general understanding of this Policy and to identify forms of Supportive Measures available to the Complainant.

Columbia College may dismiss a Complaint, if at any time during the investigation or hearing:

- (i) A Complainant notifies the Title IX Coordinator(s) in writing that the Complainant would like to withdraw the Complaint or any allegations therein;
- (ii) The Respondent is no longer enrolled at or employed by the College; or
- (iii) Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Complaint or allegations therein.

Within seven (7) days after a Complaint is filed, Columbia College shall provide written notice of the allegations (“Notice of Allegations”) to the Parties who are known, which shall include the following:

- Columbia College’s Title IX grievance procedures and any informal resolution process;
- Notice of the allegations potentially constituting Sexual Harassment as defined in this Policy;
- 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 constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s), if known;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the Grievance procedures;
- A statement that retaliation is prohibited; and
- A statement informing the Parties that the College’s Student Code of Conduct and employee and faculty policies prohibit knowingly making false statements or knowingly submitting false information during the grievance procedures.

The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.

The Complainant and Respondent will be called and asked to come to the Title IX Coordinator’s Office to sign and pick up the Notice of Allegations. If the Complainant or Respondent is not in a position to come to the Title IX Coordinator’s office, the Notice Letter will be sent electronically to the Complainant or Respondent’s provided email.

If, in the course of an investigation, The College decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the College will provide written notice to the parties of the additional allegations.

Dismissal of a Complaint:

The Title IX Coordinator at Columbia College may dismiss a complaint of sex discrimination if:

- Columbia College is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in Columbia College's education program or activity and/or is not employed by Columbia College;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint, 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 discrimination under Title IX even if proven; or
- Columbia College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the College will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, the Title IX Coordinator will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the Title IX Coordinator will also notify the Respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The Title IX Coordinator will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then the Title IX Coordinator will also notify the Respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the determination;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made that could affect the outcome of the determination; or
- 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 affected the outcome of the determination.

If the dismissal is appealed, the Title IX Coordinator will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not

previously provided to the respondent;

- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX Regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the Title IX Coordinator will, at a minimum

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Columbia College's education program or activity.

Investigation:

After the Complainant and Respondent meet with the Title IX Coordinator, the matter will be referred to a Title IX Investigator(s), consisting of one or more Columbia College faculty or staff members. The Title IX Investigator(s) will conduct a thorough, reliable, and impartial investigation of the reported incident.

If the Complainant or Respondent believes there is a conflict of interest with one of the Investigators, they must notify the Title IX Coordinator when initially notified of the names of the Investigators. An investigation should begin within one week of receipt of the initial report and ordinarily should be complete within a reasonable timeframe (i.e. 30 to 45 days). The Title IX investigation and hearing should be completed in a timely manner and as appropriate while balancing the interest of fairness to all parties. Every effort will be made to complete the investigation and hearing within a reasonable timeframe while balancing the interest of fairness to all parties. Columbia College will provide for adequate, reliable, and impartial investigation of complaints.

The investigation includes interviewing the Complainant and Respondent, interviewing witnesses, collecting evidence, and creating timelines. The investigator(s) shall provide at least five (5) days written notice to a party or witness whose participation is invited or expected, including the date,

time, location, participants, and purpose of all investigative interviews or other meetings or proceedings.

The parties shall have an equal opportunity to identify witnesses, including fact and expert witnesses, and to present other inculpatory and exculpatory evidence. The parties shall not be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence. However, no individual shall attempt to alter or prevent a witness's statement or participation.

Columbia College will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The College will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding. The College may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties. Columbia College will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

Columbia College 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; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Columbia College will objectively evaluate all evidence that is relevant and not otherwise impermissible - including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., 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 Columbia College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; 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 fact 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.

Columbia College will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The Title IX Investigator(s) will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Each party will be presented with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- Columbia College will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence and the parties will have an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- Columbia College will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- Columbia College will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. However, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

The investigator(s) shall complete the investigation and prepare an investigative report that fairly summarizes relevant evidence. The report may include credibility findings, but shall not make a determination regarding responsibility. The investigator shall redact from the investigative report any information that is not relevant, which is contained in documents or evidence that is relevant. At least ten (10) days prior to any hearing, the investigator shall send to each party and the party's advisor, if any, the investigative report, including all relevant evidence, in an electronic format or a hard copy, for their review and written response (if desired). The investigator shall concomitantly send the investigative report, including all relevant evidence, to the Title IX Coordinator. The parties will have five (5) days to submit any written response to the Title IX Coordinator.

Allegations of misconduct other than sex discrimination or sex-based harassment will be investigated in accordance with this Policy but are not subject to the hearing procedures in this Policy; rather, when such allegations are found to be substantiated by the investigator, a decision will be made pursuant to the Student Code of Conduct or policies applicable to faculty or employees, as appropriate.

Determination of Sex Discrimination:

The College will provide a process that enables the decisionmaker to question parties and 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 of sex-based harassment.

When the College chooses not to conduct a live hearing, the College's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and

Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

Hearing Procedures:

When the College chooses to conduct a live hearing, a live hearing will be scheduled to take place no less than ten (10) days and no more than thirty (30) days after the investigator sends the investigative report to each party and the party's advisor, if any. The Title IX Coordinator shall send the investigative report along with the relevant evidence to the Hearing Panel, and any timely received written response to the investigator, at least five (5) days prior to the hearing.

No less than ten (10) days before the hearing, the Title IX Coordinator shall notify all parties and witnesses of the date, time and place of the hearing, or if the hearing is virtual, the access instructions. The notice shall request each party and witness to confirm their attendance in writing to the Title IX Coordinator no less than seven (7) days before the hearing.

Prior to the hearing, all questions regarding hearing procedures shall be directed to the Title IX Coordinator in writing. The Title IX Coordinator shall endeavor to respond as promptly as possible. The questions and the Title IX Coordinator's response will be provided to both parties and their advisors. Should any procedural questions arise during the hearing, such questions will be directed to the Hearing Panel.

The Hearing Panel will consist of three (3) decision-makers composed of faculty and staff. The decision-makers shall appoint one decision-maker to also serve as the hearing officer ("Hearing Officer"). The Hearing Officer shall oversee the hearing in accordance with this Policy.

Live hearings may be conducted with all parties and witnesses physically present in the same geographic location. At the request of either party, or as may be necessary or appropriate within the College's discretion, the College will provide for the live hearing to occur virtually with any

or all of the parties, witnesses and other participants located in separate rooms or geographical locations with technology enabling the decision-makers and participants to simultaneously see and hear each other. Should any party or advisor require any accommodations for the hearing, they should notify the Title IX Coordinator within five (5) days of receiving the Notice of the Hearing.

Columbia College will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

The College endeavors to provide a process that enables the decisionmaker 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 sex-based harassment. As a result, the College's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and either:

- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; or
- Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally. If a party does not have an advisor to ask questions on their behalf, the College will provide the party with an advisor, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, the College will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.

Only relevant cross-examination and other questions may be asked of a party or witness. The Hearing Panel must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. The Hearing Officer will make real-time relevancy determinations related to each question asked prior to a witness or party answering the question. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question may be asked.

Where questioning or evidence is duplicative, the Hearing Panel may deem the questioning or evidence not relevant. Information protected by a legally-recognized privilege is not relevant.

Questions and evidence about the Complainant's sexual predisposition are not relevant. Questions and evidence about the Complainant's prior sexual behavior are not relevant except: (i) when offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or (ii) when specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

The Hearing Officer of the panel is charged with the authority and discretion, consistent with what is required by this Policy, to impose rules of decorum and ensure that the live hearing proceed in an orderly, non-disruptive manner. All questioning must be relevant, respectful and non-abusive. Yelling or raised voices is not permitted and questions must be asked in a non-abusive and non-intimidating manner. Badgering of a party or witness is prohibited; repetition of the same question will be deemed irrelevant and, therefore, is not permitted. If a party's advisor of choice refuses to comply with a recipient's rules of decorum, the Hearing Panel may require the party to use a different advisor. Similarly, if an advisor that the College provides refuses to comply with the rules of decorum, the Hearing Panel may provide that party with a different advisor to conduct cross-examination on behalf of that party.

The parties shall have the option of offering opening and closing statements of five (5) minutes each.

The Hearing Panel has the right and responsibility to ask questions and elicit information the Parties and witnesses on its own initiative to aid the Hearing Panel in obtaining relevant evidence both inculpatory and exculpatory. After each advisor completes their questioning of a party or witness, the Hearing Panel may privately convene in order to prepare any relevant questions it may have for such party or witness. The Hearing Panel shall then ask any relevant questions of such Party or witness.

Before a Complainant, Respondent, or Witness answers a cross-examination or other question posed by an advisor or a member of the Hearing Panel, the Hearing Officer shall determine whether the question is relevant and explain any decision to exclude a question as not relevant. In order to determine relevancy, the Hearing Panel may ask advisor the reason the advisor seeks such evidence. The Hearing Panel's decision is not subject to further challenge at that time and the hearing shall proceed in an orderly fashion. However, the Hearing Panel may send to the parties after the hearing any revisions to its explanation of a relevance decision that was provided during the hearing.

The Hearing Panel shall afford short, reasonable breaks during the hearing, at the direction of the Hearing Officer.

The Hearing Panel must objectively evaluate all relevant evidence both inculpatory and exculpatory, and must not give deference to the investigative report. The Hearing Panel must apply the preponderance of evidence standard to reach a determination regarding responsibility.

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence and within ten (10) days of the conclusion of the hearing, the Hearing Panel shall simultaneously send a written determination letter ("Written Determination") to the parties, which shall include:

- (i) Identification of the allegations potentially constituting sex-based discrimination or harassment as defined in this Policy;
- (ii) Information about the policies and procedures that the Panel used to evaluate the allegations;

(iii) A description of the procedural steps taken from the receipt of the Complaint through the Hearing Panel's determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearing dates held;

(iv) Findings of fact supporting the Hearing Panel's determination;

(v) Conclusions regarding the application of this Policy to the facts;

(vi) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Hearing Panel determines to impose on the Respondent, whether Supportive Measures will be provided for the Complainant, and, to the extent appropriate, other students identified by the Panel to be experiencing the effects of the sex-based harassment; and

(vii) The College's procedures and permissible bases for the Complainant and Respondent to appeal.

The College will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination. If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:

i. Coordinate the provision and implementation of remedies to a complainant and other people the Panel identifies as having had equal access to the College's education program or activity limited or denied by sex discrimination;

ii. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and

iii. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the College's education program or activity.

The College will comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent and will not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

If the charges in the Notice of Allegations or Amended Notice of Allegations included other charges of sexual or other misconduct that were consolidated in the same proceeding, the Written Determination shall also provide the above-delineated information for said charges.

If an appeal is not timely filed, the determination regarding responsibility becomes final on the date on which the appeal would no longer be considered timely. If an appeal is filed, the determination regarding responsibility becomes final on the date that the Title IX Coordinator provides the Parties with the Written Determination of the result of the appeal.

Determination of Whether Sex Discrimination Occurred: Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Columbia College will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including a description of the allegations, information regarding the policies Columbia College used to evaluate the allegations, the rationale for such determination, any disciplinary sanctions Columbia College will impose on the respondent if applicable, whether remedies other than the imposition of disciplinary sanctions will be provided by Columbia College to the complainant, and, to the extent appropriate, other students identified by Columbia College to be experiencing the effects of the sex-based harassment, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable; and
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.

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

- Coordinate the provision and implementation of remedies to a complainant and other people Columbia College identifies as having had equal access to Columbia 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 sex discrimination does not continue or recur within Columbia College's education program or activity.

The College will comply with the grievance procedures before the imposition of any disciplinary sanctions against a Respondent and will not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that Columbia College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Appeal of Determinations:

Columbia College offers appeals from a determination whether sex

discrimination occurred. This appeal process will be, at a minimum, the same as Columbia College offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.

A decision or sanction may be appealed by the Respondent or Complainant within five (5) business days of the Notice of Allegations. Such appeals shall be in writing and shall be delivered to the Title IX Coordinator.

Columbia College allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. The timeframes prescribed under this Policy may be subjected to limited extension of time frames for good cause upon written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the 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. Decisions relating to extensions and delays shall be made by the Title IX Coordinator. When any deadline or prescribed time period under this Policy falls on a Saturday, Sunday or holiday recognized by the College, the deadline or prescribed time period shall be extended to the next business day.

Columbia College will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- 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.

If a party appeals a dismissal or determination whether sex-based harassment occurred, Columbia College will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that [ABC College] will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the

outcome; and

- Notify the parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or bases for appeal Columbia College offers will be equally available to all parties.

Informal Resolution:

In lieu of resolving a complaint through Columbia College's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. Columbia College does not allow an informal resolution to proceed in cases where Complainant is a student and Respondent is either a faculty, staff or Trustee, or when such a process would conflict with Federal, State, or local law.

Before the initiation of an informal resolution process, the College will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and What information Columbia College will maintain and whether and how Columbia College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Supportive Measures:

Columbia College will offer and coordinate supportive measures as appropriate for the Complainant and/or Respondent to restore or preserve that person's access to their education program or activity or provide support during the Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include:

- Academic scheduling or class modifications;
- A change or modification to residence hall;
- On-campus employment change or work schedule modifications;
- Assistance with extra-curriculars, organizations, activities, etc.;
- Police escort to vehicle;
- Other accommodations as deemed appropriate

The College will also (1) consider the Complainant's wishes with respect to Supportive Measures; (2) inform the Complainant of the availability of the Supportive Measures with or without the filing of a Complaint.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, Columbia College may impose disciplinary sanctions that it finds to be fair and proportionate to the violation(s) and the attending circumstances. Matters that may be considered when deciding on the appropriate sanction include:

- The record of past violations of any College policy, as well as the nature and severity of such past violations;
- The acknowledgment of wrongdoing by and the commitment of the Respondent to conform her/his conduct to acceptable standards in the future;
- If the Respondent poses a continuing risk to the Complainant and/or College community;
- The impact on the Complainant;
- The impact on the College community; and
- The severity or pervasiveness of the violation.