for addressing complaints asserting violations of Title IX are set forth in W K H

Allegations of discrimination based upon other protected traits and allegations of sex

When the Title IX Coordinator is notified of information that may constitute Title IX Sex Discrimination that was provided by a person during a public event to raise awareness about sex based harassment, the College is not obligated to act in response to that information, unless it indicates an imminent and serious threat to the health or safety of a student, employee, or other person.

The Title IX Coordinator may consult with the Center for Accessibility Resources, as appropriate, on matters that involve a student with a disability, regarding accommodating the disability in proceedings undertaken under this Policy.

The Deputy Title IX Coordinators support the Title IX Coordinator in fulfilling their role and U H V S R Q V L E L O L W L H V V W D W H G & R O O H J H R U X Q L Y H U V L W \ U H action, initiative, project, or other responsibility outlined in this Policy. An individual requiring emergency support should call 911 or the Office of Public Safety at 717-867-6111. An individual requiring support should reach out to campus or community resources provided on the first page of this Policy.

V. Reporting and Confidentiality

Any person, other than a Confidential Employee, may make a Report about conduct that may constitute Title IX Sex Discrimination to the Title IX Coordinator. As described below and in the definition of Required Reporters, some employees are required to report such conduct. Reports will be taken seriously, and each person involved will be treated with dignity, respect, and fairness. The College will maintain Reports in confidence, except to the extent necessary to respond to the report as provided in this Policy.

A. Reporting Requirements.

Required Reporters: All Required Reporters shall promptly report to the Title IX Coordinator any and all information that the Required Reporter has about conduct that reasonably may constitute Title IX Sex Discrimination. Required Reporters are not permitted to report the information anonymously. Required Reporters are required to report all such information even if the Complainant elects not to or is unable to make an official Report. This allows for the Title IX Coordinator to connect the Complainant with resources and support both on and off campus. A Required Reporter may report, but is not required to report, conduct that they have personally experienced that may constitute Title IX Sex Discrimination.

Confidential Employees. All Confidential Employees who receive information about conduct that reasonably may constitute Title IX Sex Discrimination must promptly inform the person who provides the information (1) that the Confidential Information is not required to notify the Title IX Coordinator of the information; (2) how to contact the Title IX Coordinator; (3) how to make a Complaint; (4) that the Title IX Coordinator may be able to offer supportive measures, an informal resolution, or an investigation under this Policy.

All other non-student employees. All employees who are not Required Reporters, Confidential Employees, or full-time students of the College, who receive information about conduct that may reasonably constitute Title IX Sex Discrimination must (1)

from Campus Safety or local law enforcement in preserving evidence; (8) the right to an advisor of choice during processes under this Policy, including the initial meeting with the Title IX Coordinator; (9) a statement that retaliation for filing a complaint or participating in the complaint process, is prohibited; and, (10) information about how to initiate the Resolution Process.

If the Complainant is unknown, the Title IX Coordinator will provide the person who made the Report (if known) with access to this Policy and the options for resolution provided in this Policy.

B. Initial Intake & Assessment

The i (e)6 12 137.3 55 (e)4 (2aQ q 0 0sBW* n)]. mn W* n BT 0 g /TT0 1 Tf 0 Tc 0 Tw 0 Ts 1

the allegations of Title IX Sex Discrimination that potentially pose an immediate threat to DS H U V R Q ¶ V S K \ V L F D O V D I H W \ D Q G W K H L U H P R W L R Q D O K H D O W K , College will consider it and will also apply an objective reasonable person standard. The College will consider the Respondent¶ s s 2sonable person standard.

F. Placement of Employee on Administrative Leave

In the event a Complaint alleges conduct that could constitute Title IX Sex Discrimination and identifies an Employee as Respondent, the College may decide to place the Respondent on administrative leave, in emergency and non-emergency situations. The purpose of such an administrative leave is to allow a temporary separation of the Employee while the Grievance Procedure is ongoing. The College will determine the terms and conditions of the leave on a case-by-case basis. The decision process for placing an Employee Respondent on leave will respect their rights under Title VII, Americans with Disabilities Act, and all other applicable employment laws.

- The right to a reliable, thorough, and impartial investigation, including the right to meet with the Investigator to present relevant information, witnesses, and other evidence;
- The right to be notified in writing of the outcome of the Grievance Procedure;
- The right to access an appeal process if/when an outcome has been determined with respect to the case;
- The right to be free from retaliation for participating in the Grievance Procedure.

B. Objective Evaluation of Permissible Evidence

7 K H

issued by the College and to the relevant and not otherwise impermissible evidence; and (iv) that the Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during any College disciplinary proceeding.

If during an investigation, new or additional allegations arise that require investigation, The College will send the Parties an updated Notice of Investigation revising the scope of the investigation.

The burden of gathering evidence sufficient to reach a determination regarding responsibility will rest with the College. The College will provide for adequate, reliable, and impartial investigation of Complaints.

The College will notify the Parties of the assigned Investigator. The Investigator will

experiencing the effect of the violation.

- Title IX Sex Discrimination education
- 5HVWULFWLRQV RQ WKH (PSOR\HH¶V FRPPXQLFDWLRQV
- /LPLWDWLRQV RQ WKH (PSOR\HH¶V PRYHPHQW, Qcluding Programs, RQ FDP and activities

IX. Appeals

The Parties have equal rights to file an Appeal. Appeals will be submitted to the Title IX Coordinator within five (5) Business Days of the issuance of the decision sought to be appealed. The Title IX Coordinator shall designate an Appeal Decisionmaker to consider and decide any Appeal. The designated Decisionmaker shall be someone other than the person who made the decision that is the subject of the Appeal. The Title IX Coordinator will give notice to the Parties of the Appeal and of the identity of the designated Decisionmaker.

An Appeal from a dismissal of a Complaint or any allegations of a Complaint or determination of whether Sex-Based Discrimination occurred may be based upon one or more of the following grounds:

1. A procedural irregularity affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
3. 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 matter; and/or,
4. The sanction imposed is substantially disproportionate to the policy violation.

The Appeal Decisionmaker will be provided with the Investigation Report, Written Determination, and any recording or transcript of the proceedings. The Appeal Decisionmaker will first determine whether the Appeal will be accepted, based upon whether one or more of the Appeal Grounds set forth above has been properly alleged by the Appellant. The Appeal Decisionmaker will send written notice to the Parties simultaneously that either (a) the Appeal has been rejected due to insufficient grounds, with the Appeal Decisionmaker¶V UDWLRQDOH, or (b) the Appeal has been accepted.

If the Appeal is accepted, non-appealing Parties will be entitled to submit a response to the Appeal, which must be sent to the Title IX Coordinator within five (5) Business Days of receipt that the Appeal was accepted.

The Appeal Decisionmaker will then analyze all the materials related to the Appeal and will take one of the following actions: (1) uphold the original decision, (2) send the matter back to the Decisionmaker for further consideration, or, (3) refer the matter to the Title IX Coordinator for further investigation or a new hearing or administrative conferences.

The Appeal Decisionmaker will issue a written decision on Appeal to the Parties simultaneously. A decision refusing to accept the Appeal and all decisions made by the Appeal Decisionmaker are final.

X. Informal Resolution

A. Option for Voluntary Informal Resolution

The College offers a voluntary process for Complaints to be addressed through Informal Resolution. During the Informal Resolution process, a Facilitator will attempt to help the Parties come to an agreement about how to resolve a Complaint. An Informal Resolution does not involve a full investigation and determination of responsibility. The Informal Resolution process is available to the Parties only after a Complaint is filed and before a Determination of Responsibility or No Responsibility is issued. The College, at its discretion, may decline to allow a Complaint to be resolved through Informal Resolution.

$ O O 3 D U W L H V ¶ S D U W L F L S D W L R Q L Q L Q I R U P D O 5 H V R O X W L R Q L V Y R O X Q W D U \ D Q G W K H College will not require or pressure any Party to participate in Informal Resolution. Before initiating an Informal Resolution process, the College will provide the Parties with a written notice that discloses: (1) the allegations; (2) the requirements of the informal resolution process; (3) that at any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the investigation or the resolution process with respect to the Complaint; (4) that an agreement reached in an informal resolution process would prohibit the Parties form initiating or resuming the Resolution Process; (5) that the potential terms that may be requested or offered in an informal resolution agreement, including notice that such an agreement is binding only on the parties; and (6) the consequence resulting from participating in the informal resolution process, including the records that will be maintained or could be shared in the Resolution Process.

When all Parties voluntarily consent to Informal Resolution, the College will pause the Grievance Procedure, including any ongoing investigation or hearing, for a period of fifteen (15) Business Days (unless a shorter or longer time is set by the Title IX Coordinator), to allow the Parties to proceed with Informal Resolution. The period during which the Grievance Procedure is paused for the Informal Resolution Process shall not count toward the timeframes set forth to conclude the Grievance Procedure.

B. Role of the Facilitator

The Facilitator will not be the same person as the Investigator or the Decisionmaker for the Grievance Procedure. The Facilitator will not have a conflict of interest or bias for or against a Party or for or against complainants or respondents generally. The Facilitator will decide the process and procedures to be used in Informal Resolution but shall not take actions inconsistent with this 12 0 [ts Ts 100 3 sist [(a) 4 (c 5 (F) 12 4 (a) -5 (c) 4 (il) -3 (h) -22 3 sist) (

sign a written document agreeing to Informal Resolution and within 48 hours after the Party signs the written agreement. If a Party timely withdraws from the Informal Resolution process, then the College shall resume the Grievance Procedure.

Under no circumstances may the Facilitator be called as a Witness in the Grievance Procedure.

C. Approval of Informal Resolution By Title IX Coordinator

If no Party withdraws from the written agreement within 48 hours, the agreement shall be presented to the Title IX Coordinator for final approval and implementation. The Title IX Coordinator shall not approve any agreement that the Title IX Coordinator determines to be impractical, unduly burdensome, or inconsistent with the College's obligations under Federal law, State law, or applicable law or policy. If the Title IX Coordinator disapproves of the agreement, the Facilitator and the Parties may agree to modify and resubmit the agreement. If they do not agree to do so and/or do not submit a modified written agreement, then College shall resume the Grievance Procedure.

XI. Prohibition Against Retaliation

Neither the College nor any other person may retaliate against an individual who participated or refused to participate in any matter addressed under this Policy. Retaliation by Employees or Students is prohibited. Retaliation includes any action to intimidate, threaten, coerce, or discriminate against an individual (1) for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations; or (2) because the individual has made a Report or Complaint, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or hearing under this Policy. Retaliation is also prohibited against individuals involved in matters that do not arise under this policy but arise out of the same facts or circumstances as a Report or Complaint of sex discrimination or sexual harassment. When a Complaint of Retaliation under this Policy is filed, the College will initiate the Grievance Procedures set forth in this Policy.

XII. Recordkeeping

The College will maintain the records identified in this section of this Policy for a period of seven (7) years. The records maintained shall be kept confidential and not disclosed, except as permitted or required by law. The records may be maintained in paper or digital files.

In connection with each Report and each Complaint, the College will maintain the following records, to the extent they exist:

1. For each Complaint, records documenting the informal resolution process or Grievance Procedures undertaken and the resulting outcome;
2. For each notification about conduct that reasonably may constitute Title IX Sex Discrimination, records documenting the actions the College to took respond; and

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for their safety or the safety of others; or (b) suffer emotional distress.

Retaliation: 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 V H U YLFH GLUHFWHG DJDLQVW D SHUVRQ EHFDXVH WKDW SHUVRQ KDV UHSRUWHG information about conduct that may constitute Prohibited Conduct under this Policy or any right or privilege secured by Title IX, 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 this part, including in an informal resolution process, in grievance procedures, and in any other actions taken by a College under this policy. Nothing in this definition or this part precludes the College from requiring an employee or other person authRUL]HG WR KDYH & RVWRSHUDWLYH GHIHQVH UHTXLUHPHQWV DSSOLHG WR WKH & RO O HJH ¶V HGX or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this part.

Other Definitions Applicable to this Policy

Advisor: A person selected by a Complainant or Respondent to support that person during any meeting, process or proceeding that involves allegations of Sex-based Harassment involving a student Complainant or student Respondent. The Advisor may be, but is not required to be, an attorney.

Administrative Leave: Temporary separation of an Employee, with or without pay and benefits intact, as determined by the College and any relevant obligations binding the College

Amnesty: The College will not pursue disciplinary action for drug or alcohol related violations of the Student Code of Conduct when the violation is revealed in the course of a good faith report of Title IX Sec Discrimination or other good faith statements made in connection with an investigation under this Policy.

Appeal: An objective review of the prior process and outcome unless new evidence must be considered

Appellant: A person who files an Appeal

Business Days: Any day, excluding Saturday, Sunday, and federal and state holidays.

Campus Official: An Employee of Lebanon Valley College who has authority to institute corrective measures on behalf of the College

Complaint: An oral or written request to the College that objectively can be understood as a request r-t:

Cmpn An individual who is alleged to have been subjected to conduct that could constitute Title IX Sex Discrimination under this Policy who was participating in the College's education program or activity at the time of the alleged Title IX Sex Discrimination.

CEmpn: A health care provider, counselor, or member of the clergy employed by or contracted by the College and acting within those respective roles with whom communications are privileged or confidential by law, and victim services advocates who are serving persons in a capacity related to sex discrimination.

Cn Affirmative Consent is a knowing, th/iwing, th/iwing, th/iwing, th/iwing, th/iwing, th/iwing, th/i

Education Program or Activity: All of the operations of the College, including any building owned or controlled by the College and/or by a student organization that is officially recognized by the College.

Employee: Faculty, staff, administrator, and any other individual employed by Lebanon Valley College in any capacity or role, except not including a person who is also enrolled as a full-time student at the College.

Facilitator: A person or persons designated to facilitate an Informal Resolution of a Complaint. Facilitators may or may not be Employees of the College. Facilitators are trained on the definition of Title IX Sex Discrimination, the scope of the College's program or activity, how to conduct an Informal Resolution process, and how to serve impartially.

Grievance Procedure: The process for investigating and resolving a Complaint.

Report: The submission of information to the Title IX Coordinator or a Campus Official regarding a potential violation of this Policy. A Report is not a Complaint and, therefore, will not be investigated and does not trigger the Grievance Procedure.

Required Reporters: All faculty, administrators, advisors, campus safety officers, and any other employees of the College who have responsibility for administrative leadership, teaching, or advising, or authority to institute measures to correct discrimination occurring within a college program or activity. Confidential employees are excluded from this definition. Students who are employed as residence advisors for college housing or first year mentors **are included** within the definition of Required Reporters, but all other student employees are excluded from this definition.

Respondent: Any individual who has been alleged to have engaged in conduct that could violate this, Policy.

Supportive Measures: 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 restore or preserve that party's access to the College's education program or activity, protect the safety of the Parties or the College's educational environment, or provide support during the College's grievance procedure or informal resolution process.

Title IX Coordinator: The person or persons designated by Lebanon Valley College as a Title IX Coordinator, including any persons designated as an "acting," "deputy" or "interim" Title IX Coordinator. If special circumstances require the Title IX Coordinator to designate another person to address their responsibilities, the term also includes the Title IX Coordinator's designee.

Witness: A person who has seen, heard or otherwise has knowledge or information relevant to an alleged violation of this Policy, but not including the Investigator.