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Guilford College Title IX Policy and Grievance Procedures

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Glossary

- **Advisor** means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the Resolution Process, to advise the party on that process, and to conduct questioning for the party at the hearing, if any.
- **Appeal Panel** means the panel who accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the investigation or original determination, and directs corrective action accordingly.
- **Complaint** means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected characteristic, or retaliation for engaging in a protected activity under this policy.
- **Confidential Resource** means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- **Course of Conduct** means 2 or more acts.
- **Day** means a business day when Guilford College is in normal operation.
- **Hearing Officer(s)** means the person or panel who hears evidence, determines relevance, and makes the Final Determination of whether this Policy has been

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violated and/or assigns sanctions.

- **Directly Related Evidence** is evidence connected to the complaint, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the Decision-maker(s). Compare to Relevant Evidence, below.
- **Education Program or Activity** means locations, events, or circumstances where Recipient exercises substantial control over both the Respondent and the context in which the harassment, discrimination, and/or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by the Recipient.
- **Final Determination/Hearing Outcome Letter** is a conclusion by the standard of proof that the alleged conduct did or did not violate policy.
- **Finding** is a conclusion by the standard of proof that the conduct did or did not occur as alleged (as in a “finding of fact”).
- **Formal Complaint** means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging a Respondent engaged in harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity and requesting that the Recipient investigate the allegation(s).
- **Formal Grievance Process** means a method of formal resolution designated by Guilford College to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 C.F.R. § 106.45) and the Violence Against Women Act § 304.
- **Grievance Process Pool** includes any Investigators, Hearing Decision-makers, Appeal Decision-makers, and Advisors who receive special Title IX training may perform any or all of these roles (though not at the same time or with respect to the same complainant).
- **Informal Resolution** a complaint resolution agreed to by both of the Parties and approved by the Title IX Coordinator that occurs prior to the formal Final Determination/Hearing Outcome being reached

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- **Investigator** means the person(s) authorized by Guilford College to gather facts about an alleged violation of this Policy, assess the relevance and credibility, synthesize the evidence, and compile this information into an investigative report or relevant evidence and a file of Directly Related Evidence.
- **Mandated Reporter** means a Guilford College employee who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator and/or their supervisor.
- **Notice** means that an employee, student or third party, informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- **Parties** means the Complainant(s) and Respondent(s), collectively.
- **Recipient (Guilford College)** means a postsecondary education program that receives federal funding.
- **Relevant Evidence** is evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.
- **Remedies** are post-Final Determination/Hearing Outcome actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to Guilford College's education program.
- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity under this policy.
- **Resolution** means a result of an Formal Grievance Process or an Informal Resolution Process
- **Sanction** means a consequence imposed on a Respondent who is found to have violated this policy.
- **Sexual Harassment** is an umbrella category including offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence.
- **Student** means any individual who has accepted an offer of admission, or who is

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registered or enrolled for credit or non-credit bearing coursework, and who maintains a current and ongoing educational relationship with Guilford College.

- **Title IX Coordinator** is at least one official designated by Guilford College to ensure compliance with Title IX and Guilford College's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- **Title IX Team** refers to the Title IX Coordinator Title IX Staff and any deputy coordinators.

I. Introduction

Guilford College has a longstanding mission to provide a transformative, practical and excellent liberal arts education that produces critical thinkers in an inclusive, diverse environment, guided by Quaker testimonies of community, equality, integrity, peace and simplicity and emphasizing the creative problem-solving skills, experience, enthusiasm and international perspectives necessary to promote positive change in the world.

Title IX of the Education Amendments of 1972 ("Title IX") prohibits discrimination on the basis of sex in any educational programs or activities that receive federal funding, which includes locations, events, or circumstances, whether on or off campus, over which the College has substantial control and includes any building owned or controlled by a student organization that is officially recognized by the College. While perhaps best known for its application to program equity, such as in athletics, Title IX also applies to sexual harassment (including sexual assault) that prevents students from participating fully and equitably in educational opportunities. Guilford College is committed to upholding the principles of Title IX by responding promptly and thoroughly to all complaints/reports of sex discrimination, harassment or violence.

In compliance with Title IX, the College will address reported violations of sexual harassment covered under Title IX. The College is also committed to addressing acts that violate our community standards and are not covered under Title IX, but fall within the definitions of College-defined sexual misconduct.

Title IX Coordinator:

Erickia Elbert, Title IX Coordinator
Director of Human Resources
105 Bauman
Phone: (336) 316-2135

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Email: eelbert@guilford.edu

The Title IX Coordinator works with the individuals listed below, and others, to ensure that the College complies with Title IX. Regardless of which Guilford College employee or administrator investigates or adjudicates any particular complaint, the Title IX Coordinator maintains oversight of the process. The Title IX Coordinator receives written notice of the complaint, the investigative report and any outcome determination. Where sex discrimination, harassment or violence is found to have occurred, the Title IX Coordinator oversees the College's response. The Title IX Coordinator's responsibilities also include coordinating training, education and prevention efforts; overseeing a centralized reporting process for all sexual harassment and misconduct allegations on campus; tracking and monitoring these allegations; and ensuring prompt and equitable resolution of complaints.

The Title IX Coordinator is:

- Responsible for oversight of the investigation and resolution of sexual harassment, sexual assault, sexual exploitation, stalking and relationship violence involving students, staff and faculty;
- Knowledgeable and trained in College discrimination and harassment policies and procedures and relevant state and federal laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, The Age Discrimination in Employment Act and the American with Disabilities Act;
- Available to assist any individual, including a complainant, a respondent, or a third party, about the courses of action available at the College, both formally and informally, and in the community;
- Available to provide assistance to any College employee regarding how to respond appropriately to a report of sexual harassment, sexual assault, sexual exploitation, stalking, or relationship violence;
- Responsible for monitoring compliance with all procedural requirements, record keeping, and timeframes outlined in this policy;
- Responsible for overseeing training, prevention, and education efforts and regular reviews of climate and culture, surveys, compiling data and generating annual reports; and
- Responsible for conducting and overseeing the grievance process initiated in response to receiving a formal complaint of sexual harassment against a student, faculty or employee/staff of the College.

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Deputy Title IX Coordinators

The Deputy Title IX Coordinators assist the Title IX Coordinator as indicated below and in other ways as directed by the Title IX Coordinator. Any person wishing to bring a concern forward may notify a Deputy Coordinator or the Title IX Coordinator directly.

Erickia Elbert, Title IX Deputy Coordinator for Employment

Deputy Coordinator is responsible for Title IX compliance for matters involving faculty and staff, including training, education, communication, and administration of the grievance procedure for all complaints against faculty and staff, including those complaints filed by students.

Emily Gann, Title IX Deputy Coordinator for Gender Equity in Athletics

Assistant Athletic Director, Senior Women's Administrator, Head Coach Women's Volleyball Ragan Brown, 212

Phone: (336) 316-2064

Email: ganneh@guilford.edu

Deputy Coordinator Emily Gann is the Senior Women's Administrator and is responsible for ensuring equity in the college's athletics program.

Steve Mencarini, Title IX Deputy Coordinator for Student Life

Dean of Students

Founders Hall, 201

Phone: (336) 316-2465

Email: mencarinism@guilford.edu

Deputy Coordinator Steve Mencarini is responsible for matters involving students, including allegations of student misconduct.

Vanessa White

College Office of Campus Safety

Safety and Security Director of the Guilford College campus Deputy Coordinator of Campus Safety is safety and security director of the Guilford College campus.

Retaliation

Reporting incidents of harassment or discrimination are integral to Title IX enforcement and would be discouraged if retaliation against those who report it goes unaddressed. Retaliation against a complainant, respondent, or witnesses involved in a complaint under Title IX is prohibited at Guilford College and is a separate violation of policy. No one may intimidate, threaten, coerce or discriminate against any

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individual for the purpose of interfering with any right or privilege under this Policy, or because the individual made a report or complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy. The College recognizes that retaliation can take many forms, may be committed by or against an individual or a group and that all parties to a complaint, including the complainant or respondent, as well as third parties such as witnesses may be the subject of retaliation by another individual.

False Reporting

The allegations of sexual misconduct may have severe consequences and therefore the College takes very seriously the validity of reported information. An individual who makes the report that is later found to have been intentionally false or made maliciously without regard for the truth may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation. Similarly, a party or witness who is later proven to have intentionally given false information during the course of an investigation or resolution may be subject to disciplinary action.

Sexual Discrimination and Misconduct Policy

I. Purpose and Statement of Intent

This policy prohibits a broad continuum of behaviors, all of which constitute a form of sexual or gender -based harassment or discrimination, sexual assault, or dating or domestic violence. Prohibited conduct that may violate this policy includes sexual discrimination, sexual harassment, sexual assault, sexual exploitation, domestic and dating violence, stalking, and retaliation. This document may use the term "sexual misconduct" to refer to any or all of those prohibited behaviors.

All forms of sexual discrimination, including sexual harassment, sexual assault, sexual exploitation, domestic and dating violence, stalking as defined in the Violence Against Women Act (VAWA), and retaliation are an affront to human dignity and fundamentally at odds with Guilford College's mission and core values. The College community has a responsibility to maintain an environment free from all forms of sexual discrimination and other sexual misconduct. Guilford College prohibits sexual discrimination and other sexual misconduct in all its forms, including harassment, sexual assault and sexual violence, and it is committed to taking all appropriate steps to eliminate this prohibited conduct, prevent its recurrence, and address its effects.

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The College promotes a climate free from sexual discrimination or other sexual misconduct through clear and effective policies, a coordinated education and prevention program, and prompt and equitable procedures for resolution of complaints. The College encourages all members of its community to participate in creating a safe, welcoming, and respectful environment on campus. Ultimately, all members of the community are expected to assume responsibility for their conduct, to report behaviors that may violate this policy, and to take reasonable and prudent actions to prevent acts of sexual discrimination or other sexual misconduct.

The College will respond according to the severity or pervasiveness of the offense and the threat it poses to an individual and the community. Individuals who are found responsible for violating this policy may face disciplinary sanctions up to and including suspension or dismissal from the College and/or termination of employment.

As stated above, the College will not tolerate retaliation against any individual who makes a report, participates or chooses not to participate in a grievance process, or assists as a bystander to prevent sexual misconduct. Retaliation destroys the sense of community and trust that is central to a respectful environment. Community members engaging in retaliation will be subject to disciplinary action.

Guilford College requires students and employees to complete annual training to ensure they understand this policy and the topics and issues related to maintaining an education and employment environment free from harassment and discrimination.

Guilford College is committed to the prevention of harassment and discrimination through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming as part of their orientation. Returning students and existing employees receive ongoing training and related education.

II. Scope of Policy

This policy addresses all forms of sexual misconduct, including sexual discrimination, sexual harassment, sexual exploitation, sexual assault, dating or domestic violence, stalking, and retaliation. It prohibits these behaviors against Guilford College community members of any gender, gender identity, gender expression, or sexual orientation. This policy also prohibits failure to provide equal opportunity in admissions or any term or condition of the educational process, as well as hiring, promotion or any term or condition of employment.

This policy applies to all members of the Guilford community, including students, faculty, and staff, as well as consultants, volunteers, vendors, and others engaged in

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business with the College. Visitors to and guests of Guilford College are both protected by this policy and subject to its prohibitions. Visitors and guests may report violations of this policy to the Title IX Coordinator or otherwise as provided herein. Visitors and guests who are found to have violated this policy may be restricted or permanently forbidden from entering any part of the campus or attending any Guilford sponsored events.

This policy applies from the time a person enrolls at the College or accepts employment or volunteer duties (including academic term breaks and periods between terms and semesters) until the student withdraws or graduates, the employee ceases employment, or the volunteer's services for the College end. This policy pertains to acts of sexual misconduct committed by or against students, employees, and third parties when:

1. The conduct occurs on the campus or other property owned or controlled by the College; or
2. The conduct occurs in the course of College-related business travel or off-campus programs in the United States, such as domestic academic programs, field trips, spring term coursework. (some study abroad programs)

This policy also applies to behavior conducted online, including via email. Postings on blogs, web page entries, social media sites, and other similar online postings can subject an individual or group to allegations of violations of this policy. While the College may not regularly search for this information, the College may take action if and when such information is brought or comes to the attention of the College.

Where the date of the reported sexual misconduct precedes the effective date of this policy, the definitions of sexual misconduct in existence at the time of the alleged incident(s) will be used. However, the procedures set forth in this policy will be used to investigate and resolve all reports made on or after the effective date of this policy, regardless of when the incident(s) occurred.

III. Notice of Non-Discrimination and Statement of Compliance with Relevant Laws

As an institution that is grounded in the relentless pursuit of core values that include equality and justice for all, Guilford the College adheres to Title IX and to all other federal and state civil rights laws prohibiting discrimination in private institutions of higher education.

Guilford College does not discriminate on the basis of sex/gender, race, color, creed,

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religion, age, national origin, sexual orientation, gender identity or expression, pregnancy, disability, genetic information, military status, veteran status, or any other protected category under applicable local, state or federal law, ordinance or regulation. The prohibition of discrimination applies to any and all programs or activities that Guilford College operates, including but not limited to admissions; educational programs; scholarships, loans and other financial aid; and athletic and other school-administered programs, services, and activities. The prohibition on discrimination also applies to applicants or employees with respect to employment.

Guilford College complies with Title IX which prohibits sexual discrimination and sexual harassment, including acts of sexual violence.

Inquiries regarding the application of this policy or Title IX, and its implementing regulation, may be referred to

The College's Title IX Coordinator:

Erickia Elbert, Title IX Coordinator
Director of Human Resources
105 Bauman
Phone: (336) 316-2135
Email: eelbert@guilford.edu

Shay Harger
Director of Title IX
124 King Hall
Phone: (336) 316-2124
Email: harger@guilford.edu

Sherika Staton
Title IX Compliance and Investigation Officer
023 E King Hall
Phone: (336) 316-22241
Email: sstaton@guilford.edu

Or to:

The Assistant Secretary, U.S. Department of Education, Office for Civil Rights
Washington, DC (Metro) 400 Maryland Avenue, SW Washington, DC 20202-1475
Telephone: 202-453-6020
TDD: 800-877-8339

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Email: OCR.DC@ed.gov

Guilford College, as an educational community, will promptly and equitably respond to reports of sexual discrimination, sexual harassment, sexual exploitation, sexual assault, domestic and dating violence, stalking, and retaliation in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community.

All College proceedings are to be conducted in compliance with the requirements of Title IX, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act); the Family Educational Rights and Privacy Act (FERPA); and all other applicable federal and state laws, regulations, and guidance.

Independence and Conflict of Interest

The Title IX Coordinator acts with independence and authority free from bias and conflict of interest. The Title IX Coordinator oversees all resolutions under this Policy and procedures. The members of the Title IX Team are trained to ensure they are not biased for or against any party in a specific complaint, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact the Guilford College President. Concerns of bias, misconduct, discrimination, or potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

IV. Privacy and Confidentiality

The College is committed to protecting the privacy of all individuals involved in a report of sexual misconduct to the extent possible consistent with its compliance responsibilities and duties to the College community. Consequently, the College will make efforts to protect the privacy of all individuals involved in a manner consistent with the need for an investigation and careful assessment of the allegation, and any necessary steps to eliminate the misconduct, prevent its recurrence, and address its effects.

Privacy and confidentiality have distinct meanings under this policy.

Privacy means that information related to a report of sexual misconduct will be shared only with those limited College employees who have a need to know in order to investigate, adjudicate and remediate a complaint. Care will be given with respect to the

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requirements of the Family Educational Rights and Privacy Act (FERPA) and applicable federal and state laws.

Confidentiality means that, absent extraordinary circumstances, information shared by an individual with designated campus or community professionals will not be revealed to any other person without the express permission of the individual. Those professionals include medical providers, mental health care providers, ordained clergy, and off-campus rape crisis counselors, all of whom have privileged confidentiality recognized by law. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, the conduct involves suspected abuse of a minor under the age of 18, or as otherwise authorized by state and federal law.

Community members wishing to seek confidential assistance may speak with counselors in the Counseling Center, health service providers at Eagle Physicians, local health providers, off-campus rape crisis resources, counseling resources available to employees through the Employee Assistance Network, or members of the clergy, all of whom will maintain confidentiality. More information about confidential resources can be found in the Confidential Resources and Support section.

Reporting on Campus: It is important to understand that any College employee who is not designated as a confidential resource cannot maintain the confidentiality of a report or information concerning an alleged violation of this policy, and all employees are expected to share any report of sexual misconduct with the Title IX Coordinator. More information about how to report to campus authorities can be found in the Campus Reporting Resources section.

Release of Information: No information shall be released from proceedings under this policy except as required or permitted by law and by College policy.

Pursuant to and as required by the Clery Act, if a report of misconduct indicates a serious and immediate threat to the campus community, the College will issue a timely notification to the community to protect its health or safety.

Pursuant to and as required by the Clery Act, anonymous statistical information must be shared with Public Safety. Annual Clery reporting to the U.S. Department of Education is required of educational institutions for certain offenses that have been reported at campus locations or certain off-campus locations controlled by the institution. The information contained in the Clery report tracks the number of Clery-reportable offenses

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occurring at such locations and does not include the names or any other identifying information about the persons involved in the incident. The College may also share non-personally identifying information about reports received in aggregate form, including data about outcomes and sanctions.

Only as permitted by the Family Educational Rights and Privacy Act (FERPA) and/or other applicable law and College Policy will Guilford notify the parents or guardians of students regarding any conduct situation, including disciplinary probation, loss of housing, suspension, and dismissal.

The college will treat complainants equitably by providing remedies any time a respondent is found responsible and treat respondents equitably by not imposing disciplinary sanctions without following the procedure outlined in this policy.

Remedies which are required to be provided to a complainant when a respondent is found responsible, must be designed to maintain the complainant's equal access to education and may include the same individualized services described in this policy; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

V. Prohibited Conduct

Guilford prohibits and will not tolerate sexual misconduct in any form. Such violations are subject to any combination of sanctions, including suspension, dismissal, or termination of employment.

The following behaviors fall under the broad definition of sexual misconduct and are prohibited.

- Sexual Discrimination
- Sexual Harassment
- Sexual Assault (Non-Consensual Sexual Penetration)
- Non-Consensual Sexual Contact
- Sexual Exploitation
- Domestic and Dating Violence
- Stalking
- Retaliation

A. Sexual Discrimination

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Unequal treatment based on an individual's sex, sexual orientation, gender identity or gender expression that is sufficiently serious to unreasonably interfere with or limit the individual's opportunity to participate in or benefit from employment with the College, or a College educational program or activity, or that otherwise adversely affects a term or condition of an individual's education, employment or living environment.

B. Sexual Harassment

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of Guilford College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (quid pro quo); or
- Unwelcome conduct determined by a reasonable person to be so **severe, pervasive, and objectively offensive** that it effectively denies a person equal access to the College's education program or activity; or
- Sexual Assault, Dating Violence, Domestic Violence or Stalking, as defined below in this Policy.

Conduct is unwelcome if the individual did not request or invite it and regarded the conduct as undesirable or offensive. Acquiescence in the conduct or the failure to complain does not always mean that the conduct was welcome.

Sexually harassing behaviors differ in type and severity and can range from verbal harassment to unwelcome physical contact. A wide range of behaviors may fall within the general definition of sexual harassment depending on the circumstances.

Circumstances to consider may include, but are not limited to:

- The degree to which the conduct affected one or more person's education or employment;
- The type, frequency, and duration of the conduct;
- The nature and severity of the conduct;
- The relationship between the respondent and the complainant;
- Whether the conduct was physically threatening;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct; and/or
- Whether the conduct deserves the protections of academic freedom.

Sexual Harassment:

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- May be blatant and intentional and involve an overt action, a threat, or a reprisal, or may be subtle and indirect, with a coercive aspect that is unstated;
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents;
- May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context;
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship;
- May be committed by or against an individual or may be a result of the actions of an organization or group;
- May occur in the classroom, in the workplace, in residential settings, over electronic or social media (including the Internet, telephone, and text), or in any other setting.

Examples of conduct that may constitute sexual harassment as defined above may include, but are not limited to, a severe, persistent, and objectively offensive pattern of unwelcome conduct that includes one or more of the following:

- Physical conduct
 - Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements.
 - Unwanted sexual advances
- Verbal conduct
 - Making or using derogatory comments, epithets, slurs, or humor.
 - Verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, notes, or invitations.
 - Offensive comments of a sexual nature, including sexually explicit statements, questions, jokes, or anecdotes.
- Visual conduct:
 - Leering; making sexual gestures; displaying suggestive objects or pictures, cartoons, or posters in a public space

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or forum.

o Visual displays of suggestive, erotic, or degrading, sexually oriented images that are not pedagogically appropriate.

- Written conduct: letters, notes or electronic communications, including social media, containing comments, words, or images described above.

Quid pro quo conduct:

- Offering employment or academic benefits in exchange for sexual favors. o Making submission to or rejection of sexual advances an actual or implied condition of employment, work status, promotion, grades or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose.
- Making or threatening reprisals after a negative response to sexual advances.
- First Amendment protections are appropriate for the college and educational institutions where students are learning, and employees are teaching. Students, faculty and others should enjoy free speech and academic freedom protections, even when speech or expression is offensive or controversial.

C. Sexual Assault Non-Consensual Sexual Penetration

Sexual Assault, also known as non-consensual sexual penetration, is penetration or attempted penetration, no matter how slight, of the vagina or anus with any body part (e.g., penis, tongue, finger, hand) or object, or oral penetration (mouth to genital contact) or attempted penetration by a sex organ of another, without the consent of the Complainant.

D. Non-Consensual Sexual Contact

Sexual contact is the touching of the private body parts of another person for the purpose of sexual gratification without the consent of the Complainant, including the intentional contact with the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without that person's consent. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner.

E. Sexual Exploitation

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Taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual activity for any non-legitimate purpose. Examples of sexual exploitation include, but are not limited to, the following:

- a. Observing another individual's nudity or sexual activity or allowing another to observe nudity or sexual activity without the consent of all parties involved in a place where the individual being observed would have a reasonable expectation of privacy;
- b. Recording, streaming, or photographing private sexual activity and/or a person's nudity, or distribution of such without the consent of all parties involved;
- c. Prostituting another individual; and/or
- d. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

F. Domestic and Dating Violence

Domestic violence means violence, including sexual or physical abuse or threat of such abuse, committed by:

- a. A current or former spouse or intimate partner of the complainant;
- b. A person with whom the complainant shares a child- in- common;
- c. A person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner;
- d. Any other person against a complainant who is protected from that person's acts under the domestic or family violence laws of North Carolina, which includes parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents, grandchildren, and in-laws.

Dating violence means violence, including sexual or physical abuse or threat of such abuse, committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the complainant; and
- b. Where the existence of such a relationship shall be determined based on
 - (1) the length of the relationship;
 - (2) the type of relationship; and
 - (3) the frequency of interaction between the persons involved in the relationship.

Domestic and/or dating violence may involve one act or an ongoing pattern of

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behavior.

The College will not tolerate domestic or dating violence. The College recognizes that sexual harassment, sexual assault, stalking, and retaliation all may be forms of domestic or dating violence when committed by a person who is or has been involved in a sexual, dating, or other social relationship of a romantic or intimate nature with the complainant.

G. Stalking

Stalking means engaging in a pattern of behavior or course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for the person's safety or the safety of others; or
2. Suffer substantial emotional distress.

"Course of conduct" means two or more acts.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Examples of stalking may include, but are not limited to:

- a. Unwelcome/unsolicited communication including in-person communication, telephone calls, voice messages, text messages, e-mail messages, social networking site postings, instant messages, postings, written letters, gifts or other communications;
- b. Following, pursuing, waiting or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a complainant;
- c. Surveillance and other types of observation, whether by physical proximity or electronic means;
- d. Trespassing;
- e. Vandalism;
- f. Non-consensual touching;
- g. Direct physical and/or verbal threats against a complainant or someone close to the complainant;
- h. Gathering of information about a complainant from family, friends, or co-workers and/or classmates;
- i. Manipulative and controlling behaviors such as threats to harm oneself;
- j. Defamation or slander against the victim; or
- k. Using a third party or parties to accomplish any of the above.

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H. Retaliation

Retaliation includes intimidating, threatening, coercing, or in any way discriminating against any person or group for exercising rights under this policy. Actions are considered retaliatory if they (1) are in response to a good faith disclosure of real or perceived College-related misconduct, participation in an investigation of College-related misconduct, or engaging in bystander intervention of sexual misconduct, and (2) would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy or participating in the complaint processes under this policy.

Retaliation may be present even where there is a finding of "Not Responsible" on the allegations of misconduct prohibited by this policy. Community members engaging in retaliation will be subject to disciplinary action. The College will act to stop retaliation immediately, to provide remedies to victims of retaliation, and to sanction the perpetrators of retaliation as appropriate.

For employees, the Director of Human Resources, the Provost or a department head will handle discipline for retaliation. For students, the Dean of Students has the discretion to address retaliation by taking administrative actions, disciplinary or otherwise, or referring the matter for a formal conduct charge. Notwithstanding the foregoing, and regardless of the manner in which any alleged retaliation is addressed, before any discipline is imposed, the person accused of retaliation will receive notice and an opportunity to be heard, as appropriate under the circumstances.

- o The exercise of rights protected under the First Amendment does not constitute retaliation.
- o Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX- grievance proceeding does not constitute retaliation. A determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

In all instances, the Title IX Coordinator will oversee the investigation and adjudication of complaints and the disciplinary action imposed pursuant to this policy.

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VI. Understanding Consent: Force, Coercion, Incapacitation, and Alcohol

A. Consent

Individuals who choose to engage in sexual activity of any type must first obtain the consent of the other party. Consent must be knowing and voluntary and is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity.

Additional Guidance about Consent:

- Consent to one form of sexual activity does not, by itself, constitute consent to engage in all forms of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- A verbal "no" is a clear demonstration of the lack of consent.
- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.
- Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicated a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise free will to choose whether or not to have sexual contact. See Paragraphs (B) and (C) of this Section for further discussion.

An individual who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent. See Paragraph (D) of this Section for further discussion.

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B. Force

Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists a sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

C. Coercion

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

- (1) frequency of the application of pressure;
- (2) intensity of the pressure,
- (3) isolation of the person being pressured;
- (4) duration of the pressure.

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

D. Incapacitation

An individual who is incapacitated cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.

In other words, a person may be considered unable to give valid consent due to incapacitation if the person is not able to understand the who, what, where, when, why, and/or how of a sexual interaction.

In evaluating whether consent was present in cases of alleged incapacitation, the College asks three questions:

- (1) Was the complainant incapacitated?
- (2) If so, did the respondent know that the complainant was incapacitated?
- (3) If not, would a sober, reasonable person in the same situation have known that the complainant was incapacitated based on objectively and reasonably apparent

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indications of impairment?

An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of giving consent is in violation of this policy.

Alcohol or Other Drugs

Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, common warning signs that a person may be incapacitated or approaching incapacitation as a result of alcohol or drug use or consumption may include, but not be limited to, one or more of the following: slurred speech, vomiting, unsteady gait, odor of alcohol, incontinence, combativeness, or emotional volatility. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct, and does not diminish one's responsibility to obtain consent.

VII. Prohibited Relationships by Persons in Authority

The faculty-student relationship is one of trust in the institution and the faculty member, who has the professional responsibility for being a mentor, educator, and evaluator. Faculty-student and employee-student romantic and/or sexual attention, interaction, or relationships, even mutually consenting ones, interfere with a student's unfettered pursuit of learning and the integrity of the academic and workplace environment.

Consensual relationships, defined as a romantic or sexual relationship to which both parties have given their consent) between College employees and students are prohibited. Failure to take notice of this prohibition could subject the person in authority to disciplinary action, up to and including dismissal from employment by the College. Please refer to the Vice President of Academic Affairs for faculty, and the Human Resources Director for staff, if there are questions about this policy, its application, or its enforcement.

VIII. Resources for Complainants and Respondents

A first step for any complainant or third-party witness may be choosing how to proceed following an incident of sexual misconduct. The College provides two distinct institutional resources:

Confidential Resources do not involve notifying the College of the incident unless the complainant requests such action. See Section VIII(B).

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Reporting Resources notify the College of the incident and begin the Title IX assessment and ultimate resolution of the report.

It is also important to note that emergency medical, Guilford Public Safety, and/or local law enforcement assistance are available both on and off-campus. All individuals are encouraged to contact law enforcement and seek medical treatment immediately following an incident when such assistance is desired or necessary under the circumstances.

The College is committed to treating all members of the community with dignity, care, and respect. Any individual affected by sexual misconduct, whether as a complainant, a respondent, or a third party, will have equal access to support consistent with their needs and available College resources.

The College recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The College encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information about available resources and procedural options and other assistance to

either party in the event that a report and/or disciplinary proceedings are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

A. Emergency and Community Resources

The first priority for any individual should be personal safety and well-being. The College encourages all individuals who have experienced sexual misconduct to seek assistance by contacting Guilford Public Safety, calling 911, contacting local law enforcement, and/or visiting a medical facility immediately after an incident when such assistance is desired or necessary under the circumstances.

All individuals are encouraged to make a prompt report to law enforcement and/or to seek immediate medical treatment in response to an incident when such assistance is desired or necessary under the circumstances in order to address immediate safety concerns and to allow for the preservation of evidence and an immediate investigative response. The College will assist in these reporting options by arranging for or providing transportation to the hospital, coordinating with local law enforcement (including assisting with filing a police report and obtaining a protective order), and informing a complainant about the College's resources and complaint processes.

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24 Hour Support Services:

- Emergency: 911 (in a true emergency requiring immediate assistance, call 911)
- Guilford Public Safety: 336-316-2909
- Moses Cone Hospital: 336-832-7000
- Wesley Long Hospital: 336-832-1000
- Dean of Students Office by calling Campus Public Safety: 336-316-2909 to connect with the Dean of Students.
- Administrator on Call 24/7 by calling Campus Public Safety: 336-316-2909 to connect with Administrator on Call

Guilford College provides confidential support services on campus through the following offices: Milner Student Health and Counseling Center

1203 Rachel Carson Court

Phone: (336)316-2163

counselingcenter@guilford.edu

Off campus support resources:

Victim Advocates through Family Service of the Piedmont
(CONFIDENTIAL)

24/7 Crisis Line: (336) 273-7273

Web: <https://www.fspscares.org/>

Family Justice Center (CONFIDENTIAL)

201 South Greene Street

Greensboro, NC

Phone: (336) 641-7233

Web: <https://www.guilfordcountync.gov/our-county/family-justice-center>

Legal Aid of North Carolina –

Greensboro Office

122 North Elm Street

Web: <https://www.legalaidnc.org/>

Email: www.legalaidnc.org

Phone: (336) 272-0148

- Greensboro Police Department: 336-373-2222 (non-emergency)
- Guilford County Sheriff's Office: 336-641-3694

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B. Confidential Resources and Support

For individuals who are seeking confidential consultation, several resources provide confidential support, both on campus and in the local community. The trained professionals designated below can provide counseling, information, and support under legally protected confidentiality. They may, however, submit non-identifying information about the incident for purposes of making a statistical report under the Clery Act.

Students wishing to obtain confidential support or resources on campus are encouraged to contact the College Student Health and Counseling Center. This center is staffed by counseling professionals who are bound by separate laws of confidentiality and will not share the report with other members of the College. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, the conduct involves suspected abuse of a minor under the age of 18, or as otherwise authorized by state and federal law.

Other Confidential Resources:

National Domestic Violence Hotline (NDV)

(800) 799-7233 (SAFE)

The National Domestic Violence Hotline can provide advocacy, resources, referral, and legal assistance to victims of dating or domestic violence.

Web: www.thehotline.org

Rape, Abuse and Incest National Network (RAINN)

(800) 656-4673

A confidential, anonymous national sexual assault hotline.

Web: www.rainn.org

Descriptions:

Milner Student Health and Counseling Center (CONFIDENTIAL)

Address: 1203 Rachel Carson Court

Phone: (336)-316-2163

Email: counseling@guilford.edu

The Counseling Center is staffed by professional psychotherapists and are available to talk about issues such as relationships, depression, anxiety, substance abuse/addictions, or negative behaviors which are causing you pain (such as cutting, procrastinating, or obsessive-compulsive behaviors). While there is no rigid limit on the

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number of sessions available to you, the length of your particular counseling will depend on many factors. When you meet with your therapist, you will decide together what makes sense for you, based on your needs and what we are able to offer. Many concerns can be addressed in relatively short-term counseling at the Counseling Center; however, if you would like to pursue longer-term therapy or need specialized treatment, the counselor will assist you in finding a therapist off-campus.

The Counseling Center is located at 1203 Rachel Carson Court. The hours are 8:30 am-5:00 pm Monday-Friday. In the event of an after-hours emergency, please call Public Safety at 336-316-2909. Public Safety is able to contact the staff member on duty when necessary. To make an appointment, please call 336-316-2163 or email: counseling@guilford.edu. The services are free of charge and confidentiality is carefully observed.

Public Safety (336-316-2909)

The Public Safety office is located in the lower level of the Bauman Telecommunications Center. The department provides 24-hour service that safeguards the College's population, facilities and property. It is staffed by professional personnel. The College encourages the active involvement of all community members in keeping the campus a safe and secure environment for education. Office hours: Monday-Friday, 9:00 am-5:00 pm. The phone number to reach Public Safety is 336-316-2909 or email security@guilford.edu. For emergencies call 911.

Blue Light Telephones

The blue light telephone network exists for the purposes of the safety and convenience of the Guilford community. Phone locations are marked by a blue light above the phone. In an emergency, callers can press the red button to automatically dial the on-duty public safety officers. Once the button is pushed, the Public Safety officers will be able to communicate with the caller. Callers are asked to stay by the box and talk to officers unless their safety is at risk. The locations of blue lights on campus are:

- Lower South Apartment Parking Lot
- Binford / Hendricks Hall Parking Lot
- Bryan Parking Lot

Student Health Services

Eagle Physicians

Address: 1210 New Garden Road

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Phone: (336)-294-6190

Web: <http://www.eaglemds.com>.

Eagle Physicians is the sole provider of the College's student health services for traditional students. Their office is located adjacent to campus and easily accessible by way of the sidewalk along New Garden Road. Traditional students may go to Eagle and be seen for many illnesses at no charge. A list of these services may be found on the Student Health webpage.

Eagle will accept many insurance plans (including Guilford's student health insurance through United Healthcare) for treatment of more complicated issues and for medical tests not included in the list of covered services. Some of these services will require an appointment. Students going to be seen at Eagle will need to present their Guilford College ID and a copy of their insurance card at check-in. It is also important that students have means (credit/debit/cash) to pay their co-pay or any charges that may be incurred due to an illness or testing not covered by our agreement with Eagle Physicians.

Traditional students will have ready access to board-certified physicians, as well as extended clinic hours. Eagle Physicians will provide services by appointment (unless serious or acute illness/symptoms) from 8:00 am-5:00 pm weekdays. Eagle After Hours Care (same location) will see students on a walk-in basis from 5:30 pm-8:45 pm Monday-Friday and 9:00 am-5:45 pm on Saturday and Sundays. More information about Eagle Physicians can be found on the website: <http://www.eaglemds.com>.

The College maintains a Student Health Services office located on campus in the Milner Student Health and Counseling Center. While no medical care is available there, this office maintains required immunization records and a staff member is available to assist students and parents with questions and support.

The on-campus Student Health Services office also maintains immunization compliance for CCE/adult students. Adult students may call 336-316-2163 for questions and assistance related to NC State immunization law requirements and compliance. The College does not offer medical care to CCE students.

After hours, contact your Residential Assistant (RA) or Public Safety for emergency procedures. There are two hospitals with emergency facilities available: Wesley Long Hospital (336-832-1000) and Moses Cone Hospital (336-832-7000). In a true emergency requiring immediate assistance, call 911.

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For students living in residence halls, apartments, or houses on campus, Resident Advisors are on duty nightly in Bryan, Milner, the small halls and alternative houses, and the apartments. Duty schedules are posted outside each RA and Community Director's apartment door.

Off-Campus Emergency 911

In addition to the 24-hour availability of Public Safety Office staff members, there is a Student Affairs staff person on call 24 hours a day. In a crisis, you may contact the Student Affairs staff person on call by calling Public Safety at 336-316-2909 to report a problem. The Public Safety officer will contact the on-call Student Affairs professional, as needed.

IX. Reporting

The College encourages all individuals to seek assistance from a medical provider and law enforcement immediately after an incident of sexual misconduct when such assistance is desired or necessary under the circumstances, regardless of whether or not the individual plans to pursue criminal action. This is the best option to ensure preservation of evidence and to begin a timely response by law enforcement and/or the College.

Complainants are strongly encouraged to take immediate steps to preserve all evidence that might support a future report to the College, a protective order, or an investigation by law enforcement.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Title IX reports can be made 24 hours 7 days a week at www.guilford.edu/TitleIX: Report An Incident.

Please note: Information submitted through this form outside normal business hours (8:00am - 5:00pm) may not be reviewed until the next business day. If you are

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experiencing an emergency, or if there is an imminent risk to your well-being or that of another person, contact PSafe at 336-316-2907 or 2909 or call 911.

Making a report means telling a Reporting Resource (see Campus Reporting Resources and Responsible Employees) the reported prohibited conduct of what happened--in person--by telephone, in writing, or by email. Speaking to a confidential resource does not constitute making a report to Guilford College. At the time a report is made, a complainant does not have to decide whether or not to request any particular course of action, nor does a complainant need to know how to label what happened. The College provides support to each individual in making these important decisions, and to the extent legally possible, will respect an individual's autonomy in deciding how or whether to proceed. In this process, the College will balance the individual's interests with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

A. Deliberate Indifference Standard

The college will respond to Title IX sexual harassment in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of the known circumstances. Therefore, the college must:

- Offer supportive measures to the person alleged to be the complainant;
- Ensure the Title IX Coordinator promptly contact the complainant confidentially to discuss the availability of supportive measures;
- Consider the complainant's wishes with respect to supportive measures;
- Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint,
- Explain to the complainant the process for filing a formal complaint;
- Investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant or signed by the Title IX Coordinator;
- Affirm that a complainant's wishes with respect to whether the school investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances
- Dismiss, for the purposes of Title IX, if the allegations in a formal complaint do not meet the definition of sexual harassment or did not occur in the United States; but may still address the allegations in any manner the school deems appropriate under the College Code of Conduct;

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Any individual who reports sexual misconduct can be assured that the College will assess each report and resolve it in a fair and impartial manner, as appropriate under the circumstances. All individuals involved can expect to be treated with dignity and respect. In every report, the College will make an immediate assessment of any risk of harm to the College or to the broader campus community and will address those risks, including taking interim measures to provide for the safety of the individual and the campus community.

A. Reporting to Law Enforcement

The College encourages complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes under state criminal statutes. Complainants have the right to notify or decline to notify law enforcement authorities. The College will assist a complainant, at the complainant's request, in contacting local law enforcement; filing a report, or obtaining a protective order. The College will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process. Complainants have the right to participate or decline to participate in any investigation to the extent permitted under state or federal law.

Local law enforcement information:

- 911 Emergency
- Greensboro Police Department: 336-373-2222 (non-emergency)
- Guilford County Sheriff's Office: 336-641-3694
- North Carolina State Police: 919-733-7952 (main line)

A Complainant may seek resolution through the College's complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's determination regarding whether to prosecute a respondent nor the outcome of any criminal prosecution determines whether sexual misconduct has occurred in violation of this policy. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

B. Campus Reporting Resources

Guilford community members should report all incidents of sexual misconduct or retaliation directly to the Title IX Coordinator or to any Deputy Title IX Coordinator. See Campus Reporting Resources, below.

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The College recognizes that a complainant has multiple avenues available to report a concern. For example, a student may choose to confide in an associate dean, a resident adviser, a faculty member, a director, or a coach. Similarly, an employee may choose to confide in a supervisor or a colleague. Unless designated as a confidential resource (see Confidential Resources), no Guilford employee may promise confidentiality, and all Guilford employees have a duty to report such information immediately to the Title IX Coordinator or a Deputy Title IX Coordinator.

C. Responsible Employees:

Guilford has identified certain groups of employees as "Responsible Employees" for purposes of complaints of sexual misconduct. A Responsible Employee is required to report to a Title IX Coordinator all relevant details (obtained directly or indirectly) about an incident of sexual misconduct, including dates, times, locations, and names of parties and witnesses. Information brought to the attention of a Responsible Employee is not confidential. All Responsible Employees are trained on how to identify sexual misconduct and on their duties.

Only the Title IX Coordinator and those designated to act on the Title IX Coordinator's behalf has the authority to redress complaints of sexual violence or sexual misconduct. All other Responsible Employees, including but not limited to those listed below, must report complaints of sexual misconduct to the Title IX Coordinator or a Deputy Title IX Coordinator:

- Athletics Director, Associate and Assistant Athletics Directors
- Athletic Team Coaches, Assistant Coaches, and Athletic Trainers
- Sustainability Director and College Farmer
- Faculty and staff accompanying students on off-campus programs or other College-related trips, within and outside the United States
- Undergraduate Faculty Department Chairs, Program Directors, faculty advisers
- Resident Advisors and Community Assistants
- Experiential learning program directors and staff (e.g., Bonner, Intercultural Engagement, Quaker Leadership Scholars, Principled Problem- Solving Scholars, etc.)
- Student Affairs senior staff
- Academic Affairs senior staff

Students and employees should report information about any incident of sexual misconduct to any of the Responsible Employees or to the reporting resources listed below

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Campus Reporting Resources

Title IX Coordinator

Erickia Elbert, Title IX Coordinator
Director of Human Resources
105 Bauman
Phone: (336) 316-2135
Email: eelbert@guilford.edu

Steve Mencarini, Title IX Deputy Coordinator for Student Life

Dean of Students
Founders Hall, 201
Phone: (336) 316-2465
Email: mencarinism@guilford.edu

Deputy Coordinator Steve Mencarini is responsible for matters involving students, including allegations of student misconduct.

Vanessa White

Director Of Public Safety
College Office of Campus Safety
818 Quadrangle Drive
Phone: (336) 316-2907
Email: vwhite1@guilford.edu

Safety and Security Director of the Guilford College campus and is the Campus Safety is safety and security director of the Guilford College campus.

Emily Gann, Title IX Deputy Coordinator for Gender Equity in Athletics

Assistant Athletic Director, Senior Women's Administrator, Head Coach Women's Volleyball Ragan Brown, 212
Phone: (336) 316-2064
Email: ganneh@guilford.edu

Deputy Coordinator Emily Gann is the Senior Women's Administrator and is responsible for ensuring equity in the college's athletics program.

Any individual can also make a Title IX Report 24 hours 7 days a week at:
www.guilford.edu/titleix [REPORT AN INCIDENT](#)

D. Anonymous Reporting

Any individual may make an anonymous report of sexual misconduct. An individual may report the incident without disclosing their name, identifying the respondent, or requesting any action. Depending on the extent of information available about the

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incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited or impossible.

The Anonymous Sexual Misconduct Reporting Form can be found on the College intranet at: www.guilford.edu/titleix [REPORT AN INCIDENT](#)

The Title IX Coordinator or a Deputy Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate and in compliance with all federal and state legal obligations.

E. Bystanders

The College encourages all community members to take reasonable and prudent actions to prevent an act of sexual misconduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who assist under these circumstances will be supported by the College and protected from retaliation.

F. Reporting Considerations

a. Timeliness of Report, Location of Incident

Complainants and third-party witnesses are encouraged to report incidents of sexual misconduct as soon as possible in order to maximize the College's ability to respond promptly and effectively. However, there is no time limit on reporting violations of this policy. If the respondent is no longer a student or employee, the College may not be able to take disciplinary action against the respondent, but it will still seek to comply with its Title IX obligation by providing support for a complainant and taking steps to end the harassment, prevent its recurrence, and remedy its effects.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that occurs in connection with College programs or events may also be covered, as may off-campus conduct that may have a continuing adverse effect on the complainant while on campus or other property owned or controlled by the College or in any College employment or education program or activity. The College will process all Title IX complaints regardless of where the conduct occurred to determine whether the conduct occurred in the context of its educational program or has continuing adverse effects on campus or in an off-campus program or activity.

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b. Amnesty for Personal Use of Alcohol or Other Drugs

The College seeks to remove any barriers to reporting. It is in the best interest of this community that all individuals who have been the subject of sexual misconduct report the behavior to the College, and that witnesses share what they know. To encourage reporting, complainants, third-party witnesses, or respondents will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. Students may be required to engage in non-disciplinary substance abuse or awareness measures.

c. Statement Against Retaliation

Reporting incidents of harassment or discrimination are integral to Title IX enforcement and would be discouraged if retaliation against those who report it goes unaddressed. Retaliation against a complainant, respondent, or witnesses involved in a complaint under Title IX is prohibited at Guilford College and is a separate violation of policy. No one may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege under this Policy, or because the individual made a report or complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy. The College recognizes that retaliation can take many forms, may be committed by or against an individual or a group and that all parties to a complaint, including the complainant or respondent, as well as third parties such as witnesses may be the subject of retaliation by another individual.

d. False Reporting

The College takes the validity of information very seriously, as a charge of sexual misconduct may have severe consequences.

A complainant who makes a report that is later found to have been intentionally false or made maliciously without regard for truth, or anyone proven to have acted in bad faith to intentionally give false information during the course of an investigation may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation and/or hearing decision. An allegation of false reporting cannot be investigated or heard until the underlying allegations have been resolved.

e. Protection of Minors and Mandatory Reporting of Suspected Child Abuse

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Any persons employed by the College who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, are required to report the matter immediately to child protective services. The College also requires that the information be immediately shared with the Office of Public Safety so that the College can ensure timely compliance with this law and enhance the protection of children. The College will report all suspected child abuse and neglect, including sexual assault, to law enforcement.

The College will act quickly regarding all suspected child abuse. For the purposes of this reporting obligation, a child is any individual under the age of 18, and the suspected abuse may involve physical, sexual, or other forms of abuse or neglect, regardless of the identity of the suspected perpetrator. The duty to report is triggered by reasonable suspicion or belief. There is no requirement that evidence of abuse be presented, nor is it the responsibility of any employee, student, or volunteer to investigate suspected child abuse on his/her own. The Department of Social Services and/or law enforcement authorities are best positioned to conduct any such investigation and make appropriate determinations.

A report should be made as follows:

- If a child is in immediate danger, call the police (911).
- If there is no immediate danger, call the Guilford College Office of Public Safety (336-316-2909).
- If an employee is unable to reach the Office of Public Safety, he or she may alternatively report the suspected abuse to one of the following:
 - The local Department of Social Services in the city where the child lives or the city where the abuse/neglect is believed to have occurred.
 - If an employee reports to the State or Local Department of Social Services, they must also provide the same information to Public Safety as soon as possible.

X. Title IX Assessment, Supportive Measures and Requests Not to Proceed

Although a report may arrive through many sources, the Title IX Coordinator ensures consistent application of the policy to all individuals to allow the College to respond promptly and equitably to eliminate the harassment, prevent its recurrence, and remedy its effects.

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Complainants and Respondents can expect the following under these procedures:

- Prompt and equitable resolution of allegations of sexual misconduct;
- Privacy in accordance with the policy and any legal requirements;
- Reasonably available supportive measures as described in section B below;
- Freedom from retaliation for making a good faith report of sexual misconduct or participating in any proceeding under this policy;
- The responsibility to refrain from retaliation directed against any person for making a good faith report of sexual misconduct or participating in any proceeding under this policy;
- The responsibility to provide truthful information in connection with any report, investigation, or resolution of sexual misconduct under the policy;
- The opportunity to articulate concerns or issues about proceedings under the policy;
- Notice of any meeting or proceeding that the party may attend;
- The opportunity to have an Advisor;
- Written notice of an investigation, including notice of potential policy violations;
- The opportunity to offer information, present evidence, and identify witnesses during an investigation;
- The right to participate or decline to participate in the complaint resolution process, with the acknowledgement that not participating, either totally or in part, may not prevent the process from proceeding with the information available;
- Equal access to information that will be used during resolution proceedings;
- Written notice of any extension of timeframes; and
- Written notice of the outcome of any disciplinary proceeding,

The initial assessment will include an evaluation of the safety of the individual and of the campus community. During the initial assessment, the College will ensure that the complainant receives a written explanation of available resources and options. At the conclusion of the initial assessment, if the complainant chooses to file a formal complaint, the College will begin the process. If the complainant has requested not to proceed with an investigation, the Title IX Coordinator with others as necessary, will determine the appropriate resolution following the guidelines in (Request Not to Proceed) of this section.

A. Supportive Measures

Overview

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Upon receipt of a report of sexual misconduct, the College will impose reasonable and appropriate supportive measures. Supportive measures can be provided to any member of the College community affected by sexual misconduct whether the complainant, respondent, or third party. Supportive measures may be imposed regardless of whether formal disciplinary action is sought by the complainant or the College, and regardless of whether or not the complainant chooses to report to local law enforcement, in order to ensure the preservation of the complainant's educational, work or volunteer experience and the overall safety of the College environment.

The imposition of a supportive measure assumes no determination of responsibility and is not a form of discipline.

When implementing supportive measures, the College will seek to minimize the burden on the party seeking the measures. For example, if the parties share the same residence hall, the College will not, as a matter of course, remove the party seeking the protective measure from the class or residence hall while allowing the other party to remain, without carefully considering all options and circumstances. The College will maintain as private any supportive measures provided, to the extent that maintaining such privacy would not impair the ability of the College to provide those measures.

All individuals are encouraged to report concerns about the failure of another individual to abide by the terms of any imposed supportive measure. The College will take immediate action to enforce a previously implemented measure.

The College can impose disciplinary sanctions for failing to abide by a College-imposed measure. For employees or volunteers, the Director of Human Resources, the Provost's office, or a department head will handle alleged violations of supportive measures. For students, the Dean of Students has the discretion to address alleged violations of interim measures by taking administrative actions, disciplinary or otherwise, or referring the matter for a formal conduct charge. In all cases the Title IX Coordinator oversees this process.

B. Range of Measures

The College, at its discretion, will implement supportive measures. Supportive measures are intended to be protective and/or remedial for one or both parties, may be temporary or permanent, and may be modified by the College as circumstances change. Potential measures, which may be applied to the complainant and/or the respondent to the extent reasonably available and warranted by the circumstances, include but are not limited to:

- Access to counseling services and assistance in setting up initial appointment, both on and off-campus;

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- Imposition of a no-contact directive;
- Rescheduling of exams and assignments;
- Providing alternative course-completion options;
- Change in class schedule, including the ability to transfer course sections or withdraw from a course without penalty;
- Change in work schedule or job assignment;
- Change in student's College-controlled housing;
- Assistance from College support staff in completing housing relocation;
- Limit of an individual's or organization's access to certain College facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Arranging a meeting with law enforcement or College Public Safety;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Working in conjunction with student affairs to impose a behavioral agreement with the respondent;
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

C. College-Imposed Interim Administrative Leave of Absence

If at any point following the receipt of a report of prohibited conduct, including, but not limited to, receipt of a formal complaint, the Title IX Coordinator, after consultation with the Vice President of Student Affairs and Dean of Students, Director of Public Safety, and/or others, as advisable, determines that the respondent poses an immediate threat to the health and safety of the complainant or any other person(s), including the respondent, the College may immediately and temporarily remove the respondent from any or all of its programs or activities and place the respondent on an administrative leave of absence from the College. Interim administrative leaves of absence will be used for short periods of time pending resolution of a formal complaint and grievance process. The use of an interim administrative leave does not require, and has no bearing on, a determination of responsibility.

During an interim administrative leave of absence, a student respondent may be denied access to College housing, which includes Residence Halls, Theme Houses, and/or the College's campus or programs. As determined appropriate by the Title IX Coordinator (or designee), this restriction includes classes and/or all other College activities or privileges for which the respondent might otherwise be eligible.

At the discretion of the Title IX Coordinator, and with the approval of, and in

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collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent.

Similarly, if at any point in a formal complaint process, an employee respondent who is suspected of violating this policy presents a danger to individuals or disruption to campus operations, the Title IX Coordinator may place the employee on administrative leave, pending the outcome of the complaint and appeals. Such leave will be structured at the College's discretion.

D. Complainant Autonomy and Request *Not* to Proceed

In the event that a complainant does not wish to proceed with the complaint and/or the investigation, the Title IX Coordinator will respect the complainant's wish unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. If the allegations in a formal complaint do not meet the definition of sexual harassment, or did not occur in the school's educational program or activity against a person in the United States, the Final Rule clarifies that the College **must dismiss** such allegations for purposes of Title IX **but may still address the allegations** in any manner the college deems appropriate under the school's own Student Code of Conduct. The Title IX Coordinator will assess any barriers to proceeding and will reassure the complainant that Title IX prohibits retaliation and that the College will take strong responsive action to protect the complainant.

In determining whether the College can comply with a complainant's request not to proceed, the Title IX Coordinator will consider a range of factors that bear on the safety and welfare of the College community, including but not limited to:

- The severity and impact of the conduct, including whether a weapon was used;
- Whether the complainant is a minor under the age of 18;
- Whether prior reports of sexual misconduct have been made against the respondent;
- Whether the respondent threatened further violence or other violence against the complainant or others;
- Whether the college possesses other means to obtain relevant evidence of the alleged sexual misconduct (security cameras, video recordings, photographs or other evidence); and,
- The extent of prior remedial methods taken with the respondent.

After evaluating the appropriate factors, if the complainant's request not to proceed is allowed, the College will take all reasonable steps to respond to the

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complaint consistent with the request, but its ability to do so may be limited based on the nature of the request by the complainant.

Examples of potential non-disciplinary responses are provided in (section Range of Measures). Other potential responses include targeted or broad-based educational programming or training; heightened monitoring/security; in cases involving nonstudents, informal resolution below; and/or indirect action by the Title IX Coordinator, Deputy Title IX Coordinators, or other individuals brought in to handle indirect action with consent of the complainant.

Where the College is unable to take action consistent with the request of the complainant, the Title IX Coordinator will notify the complainant of the College's chosen course of action. To the extent possible, the College will avoid taking action that would reveal the identity of the complainant.

A complainant who initially requests that the College not proceed with an investigation or disciplinary action may later request that an investigation be conducted. Additionally, the Title IX Coordinator, after granting a request not to proceed, may proceed with an investigation or disciplinary action if any new or additional information becomes available.

XI. Investigation and Resolution for Complaints Against Students

A. Formal Complaint:

A formal complaint is defined as a document filed by a complainant or signed by the Title IX Coordinator alleging respondent(s) has engaged in sexual harassment against a complainant and requesting that the school investigate the allegation of sexual harassment and states:

- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College.
- A formal complaint may be filed with the Title IX Office in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Office, and by any additional method designated by the college.
- The phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a grievance process and must comply with the requirement for the Title IX personnel to be free from conflicts of bias.

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B. Overview of Procedural Options

Following the Title IX assessment, the College

(1) may seek a Informal Resolution that does not involve disciplinary action against a respondent; or

(2) may seek a Formal Resolution and initiate an investigation to determine if a charge should be issued.

The goal of the investigation is to gather all relevant facts and determine if there is sufficient information to support a charge against a respondent.

C. Informal Resolution

Where the Title IX assessment concludes that informal resolution is appropriate, after the filing of a formal complaint the College will offer the parties the option to resolve the complaint through an informal resolution process. Under an informal resolution process, the College:

- May not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section.
- May not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed.
- May facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication at any time prior to reaching a determination regarding responsibility, provided that the recipient:

Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations.

At any time prior to agreeing to a resolution, either party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint and any consequence resulting from participating

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in the informal resolution process including the records, that will be maintained or could be shared;

Obtains the parties' voluntary, written consent to the informal resolution process; and

Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

- The Informal Resolution Facilitator will be selected by the Title IX Coordinator, must be trained in Title IX, impartial and free from conflicts of interests.

Once a matter has been referred for informal resolution and resolved, unless or until either party withdraws their participation in the informal resolution process, the informal resolution facilitator will submit a written summary report of the resolution to the Title IX Coordinator for review.

Where a respondent is found responsible for a Policy violation, the decision-maker(s) may recommend any remedies including, but not limited to, changes to work or housing assignments, campus accompaniment services, no-contact orders, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Remedies, unlike supportive measures, may be punitive or disciplinary and need not avoid burdening the respondent. The Title IX Coordinator, or their designee, will be responsible for the effective implementation of the remedies.

Examples of protective, nondisciplinary remedies are provided in the Supportive Measures section.

Participation in an Informal Resolution is voluntary, and a complainant and respondent can request to end Informal Resolution at any time. A grievance process will not be initiated unless or until a formal complaint is filed by the complainant. Therefore, the withdrawal from participation in the Informal Resolution does not automatically initiate an investigation and adjudication process. A complainant must file a formal complaint to initiate the grievance process.

The Title IX Coordinator will maintain records of all reports and conduct resolved by Informal Resolution. If mediation or direct confrontation is used, it will typically be completed within sixty (60) business days of the initial report, absent extenuating extraordinary circumstances.

D. Advisors

If an investigation of prohibited conduct is initiated, the complainant and respondent will be invited to bring an Advisor to their interview and/or to the hearing as a source of support. If either a complainant or respondent is in need of an Advisor, a list of individuals trained as advisors is available from the Title IX Coordinator.

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During a pending investigation and disciplinary proceeding, both the complainant and the respondent may have an Advisor. The Advisor can be any person: friend, mental health professional, attorney, parent, an individual at the College, etc. The Advisor may be present at any meeting or proceeding related to the investigative or disciplinary process in which the complainant or respondent is present. The Advisor may observe but may not speak on behalf of the complainant or respondent, or otherwise, during any interview or hearing. The Advisor will be expected and permitted to ask questions during cross-examination during the hearing.

Advisors may accompany the complainant and respondent at interviews or hearings. Parties may request a brief recess to consult with their advisors, which will be granted at the discretion of the investigators, Hearing Officers, Sole Adjudicator or Appeal Panel, as applicable.

Any Advisor who does not follow the College's policies, procedures, or practices relating to the advisor's role in the resolution process will be warned once. If the advisor continues to disregard the College's policies, procedures, and/or practices or disrupts or otherwise fails to respect the limits of the role, such advisor will be required to leave the meeting, hearing, or other proceeding at the discretion of the investigator, Hearing Officers, or Appeal Panel, as applicable. When an advisor is removed from a meeting, hearing, or other proceeding, the meeting or proceeding will continue without the advisor's presence. In the case of a hearing, another advisor will be provided by the College.

A copy of the preliminary investigation report and final investigation report will be provided to the Advisor with the written permission of their advisee, either complainant or respondent. Neither a party nor an advisor may duplicate the investigation report. All advisors are expected to maintain the privacy of any records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College or by the applicable law. The College may restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

The College expects all advisors to adjust their schedules to allow them to attend College meetings when scheduled. The College does not typically change scheduled meetings to accommodate an advisor's inability to attend. The College will, however, make provisions to allow an advisor who cannot attend in person to attend a meeting by teleconference, video and/or virtual meeting technologies in order to participate virtually and in real time/live.

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The College will not recognize or enforce agreements between an advisor and the complainant/respondent that are reached outside of these procedures.

E. Formal Resolution and Investigation

To conduct an investigation, the College will designate an investigator who has specific training and experience investigating allegations of sexual misconduct. Any investigator must be impartial and free of any conflict of interest.

Typically, an investigation will begin after the Complainant and Respondent are notified through the issuance of the written Notice of Investigation of the formal complaint and the need for investigation.

During a pending investigation and disciplinary proceeding, both the complainant and the respondent may have an Advisor. The Advisor can be any person: friend, mental health professional, attorney, parent, an individual at the College, etc. The Advisor may be present at any meeting or proceeding related to the investigative or disciplinary process in which the complainant or respondent is present. The Advisor may observe but may not speak on behalf of the complainant or respondent, or otherwise, during any interview or hearing. The Advisor will be expected and permitted to ask questions during cross-examination during the hearing.

The investigator will conduct the investigation in a manner appropriate in light of the circumstances of the case. They will coordinate the gathering of information from the complainant, the respondent, and any other individuals who may have information relevant to the determination. The investigator will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. The complainant and respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. Witnesses must have observed the acts in question or have information relevant to the incident; they cannot be participating solely to speak about an individual's character.

The investigation is designed to provide a fair and reliable gathering of the facts. It will be thorough, impartial, and fair, and all individuals will be treated with respect. The investigation is a neutral fact-gathering process. The respondent is presumed to be not responsible; this presumption may be overcome only where the Hearing Officers conclude that there is sufficient evidence, by a preponderance of the evidence, to support a finding that the respondent violated the policy. The preponderance of the evidence standard of review means that the evidence must show that the respondent more likely than not engaged in the alleged prohibited conduct in order to be found responsible. As described, the investigation will be conducted in a manner that respects individual privacy concerns to the extent permitted by applicable law and College policy.

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The College will seek to complete the investigation within sixty (60) days from the start of the investigation, but this time frame may be extended for good cause such as the complexity of the circumstances of each case or unforeseen delays due to the availability of witnesses. At the request of law enforcement, the College may agree to defer its Title IX fact gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the complainant and the respondent, regarding Title IX rights, procedural options, and the implementation of necessary interim measures to assure the safety and well-being of all affected individuals. If applicable, the College will promptly initiate or resume its Title IX fact gathering as soon as law enforcement permits it to do so.

Information the College gathers during the review or investigation will be used to evaluate the responsibility of the respondent, to provide for the safety of the complainant and the College community, and to take appropriate measures to end any misconduct, prevent its recurrence, and address its effects.

The Title IX Coordinator will retain copies of all reports generated as a result of investigations. The College will keep these records private to the extent permitted by law.

Although all witnesses, the complainant, and the respondent are expected to participate in the investigative process, neither party or witnesses are required to participate in the investigation under these procedures. If a party chooses not to participate in an investigation, the investigation and potential disciplinary proceedings may still proceed.

In order to protect the integrity of the investigation, none of the parties involved in the investigation should discuss with any witness or potential witness what was shared with the investigator while proceedings are pending.

F. College's Responsibility During the Grievance Process

- The burden of gathering evidence and the burden of proof must remain on the college, not on the parties.
- The college will provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exclusionary evidence.
- The college will not restrict the ability of the parties to discuss the allegations or gather evidence. (e.g., no "gag orders")
- Parties will have the same opportunity to select an advisor of the party's choice who may be, but need not be, an attorney.
- The college will send written notice of any investigative interviews, meetings, or hearings.
- The college will send the parties, and their advisors, evidence directly related to the allegations in electronic format or hard copy, allowing at

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least 10 business days for the parties to review and respond.

- The college will send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 business days for the parties to submit a written response.
- The college will dismiss allegations of conduct that do not meet the definition of sexual harassment or did not occur in one of the college's education programs or activity against a person in the United States. Such dismissal is only for Title IX purposes and does not preclude the college from addressing the conduct in any manner the college deems appropriate.
- The college may, in its discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the school, or if specific circumstances prevent the college from gathering sufficient evidence to reach a determination.
- The college will send the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.
- The college may, in its discretion, consolidate formal complaints where the allegations arise out of the same facts.
- This policy protects the privacy of a party's medical, psychological, and similar treatment records by stating that it can not access or use such records unless the college obtains the party's voluntary, written consent to do so.

G. Interview Recording

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If the investigator(s) elect to audio and/or video record interviews, all involved parties should be made aware of and consent to audio and/or video recording.

H. Review of Investigation Report

At the conclusion of the investigation, the investigator will prepare a written report that summarizes the information gathered and synthesizes the areas of agreement and disagreement between the parties and any supporting information. The investigator should delete statements of personal opinion (other than as to credibility).

Before the investigative report is finalized, the complainant and respondent will have a minimum of ten (10) business days to review a preliminary investigation report that contains all the evidence and statements collected by the investigator.

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After reviewing, The complainant and respondent may submit in writing any additional comments, request changes, or request further investigation from the investigator.

After giving the parties the opportunity to comment on the evidence collected in the preliminary investigation report in writing, the investigator will conduct any additional investigation or make changes to the report based on those comments at their discretion. The investigator will submit the Final Investigation report to the Title IX Coordinator for dissemination to the parties and their Advisors, if applicable. Title IX Coordinator will determine the number and nature of the charges based on the final investigation report. If charges are identified, the Title IX Coordinator will issue the Notice of Hearing for the parties and their Advisor(s) identifying the hearing officer (s) or adjudicator for the hearing. All copies of the investigation report (the original, copies bearing feedback from the parties, and the investigator's final report) should be identified and maintained in the case file.

a. Prior Sexual History

In general, the prior sexual history of either party is not relevant and will not be admitted as evidence during an investigation and/or hearing. However, where there is a current or ongoing relationship between the complainant and the respondent, and the respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties and to evaluate consent. As noted in other sections of this policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the complainant or respondent with other individuals is generally not relevant and will not be permitted unless used to rebut that the respondent is the source of evidence, or cause of marks, bruises, and/or other injuries on or to the complainant or for pattern evidence.

b. Pattern Evidence

Where there is evidence of a pattern of sexual misconduct, either prior to or subsequent to the conduct in question, regardless of whether there has been an investigation or finding of responsibility, this information may be deemed relevant and probative to the Hearing Officers' determination of responsibility. The determination of relevance will be based on an assessment of whether (1) the previous incident was substantially similar to the present allegation; and (2) indicates a pattern of behavior and substantial conformity with that pattern by a respondent. Where there is a prior finding of responsibility for a similar act of sexual misconduct, there is a presumption of relevance. The Hearing Officers will make the determination as to whether or not they will consider the pattern

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evidence and in doing so will carefully review the relevancy and reliability of the alleged similar conduct.

c. Medical Records Evidence

Except as otherwise required by law, the College will not release any individual's medical or counseling records for purposes of the investigation, adjudication, or resolution of any allegation or complaint made under this policy absent such individual's written consent. An individual may disclose his or her medical and/or counseling records voluntarily, but the College will not require the release of any medical or counseling records, nor will the College require any individual involved in the processes set forth in this policy to release any such medical and/or counseling records.

d. Consolidation of Investigation

The Title IX Coordinator may consolidate multiple reports against a single respondent or group of respondents into one investigation if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident(s).

XII. Harassment and Sexual Misconduct Hearing

A. Hearing Officers

Guilford College will either use a single adjudicator or select a panel of three (3) Hearing Officers who will determine responsibility and, if warranted, administer sanctions and/or discipline against a respondent. All decision-makers, either a sole adjudicator or hearing officers, are appointed by the Title IX Coordinator and each is specially trained on Title IX and how to adjudicate cases of sexual misconduct. Guilford College will use two Hearing Officers who will together determine responsibility and, if warranted, administer sanctions and/or discipline against a respondent. All decision-makers, either a sole adjudicator or hearing officers, are appointed by the Title IX Coordinator and each is specially trained on Title IX and how to adjudicate cases of sexual misconduct.

B. Role of the Hearing Officer

The Hearing Officers are selected from a pool of individuals trained to serve. Hearing Officers must be impartial and free of any conflict of interest. The Hearing Officers shall exercise reasonable discretion in adjudicating all matters not expressly covered under this Policy and shall have the authority to make the final

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determination as to all procedural questions or issues that may arise.

C. Determination to Proceed to a Hearing

Based on the investigation report, the Title IX Coordinator will determine whether to formally charge the respondent and will notify the parties in writing with a Notice of Hearing or Notice of Dismissal of one or more of the charges along with the right to appeal and dismissal of any allegation. A charge will be issued if the complainant's factual allegations are plausible and could constitute a violation of this policy. Absent extenuating circumstances, the decision whether to formally charge the respondent will be made within (5) business days after the Title IX Coordinator receives the Final Investigation Report.

As stated above, If a formal charge is not approved and the complaint, one or multiple allegations, is dismissed, the Complainant has the right to appeal the dismissal of the complaint.

If a formal charge is approved the formal charge(s) will state the subject matter of the complaint, the name of the complainant, and the approximate date and/or timeframe for the alleged conduct. Upon the issuance of a formal charge, the final investigation report and related appendices will be made available to the parties and their Advisors for review with the option to submit a written response to the report. All responses will be provided to the adjudicator/hearing officers before the hearing.

The Title IX Coordinator or the Hearing Officers will issue the Notice of Hearing to the parties and their Advisors with identified charges. Delivery of the Notice of Hearing may be:

- In -person or via hand delivery by a designated College administrator;
- Mailed by USPS to the local or permanent address of the individual as indicated in official College records; or
- Emailed on a secured platform to the individual's College-issued email account.(Advisors shall receive copies via a secured platform with specific instructions that does not permit duplication, downloading, copying, printing or any other form of dissemination)

D. Pre-Hearing Conference

The Hearing Officers will hold Pre-Hearing Conferences with the parties and their Advisors to review the hearing process, roles and expected decorum for the proceedings, address any procedural questions or other matters before the hearing

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commences. The Hearing Officers The Title IX Coordinator shall determine the order of the proceedings, Attendance at the pre-hearing conference is optional. The parties and their advisors do not have to attend. The pre-hearing conference is an opportunity for the parties to be reminded of the procedures, expected decorum in the proceedings and to ask any questions. Parties will be asked to submit the names of any witnesses they want to be present and available at the hearing on or by the date of the pre-hearing conference or at least five (5) business days prior to the hearing date, whichever is later.

Absent extenuating circumstances, the Pre-Hearing Conferences will be held seven (7) business calendar days prior to the hearing.

E. Hearing Procedures

A hearing will be held in a timely manner; assuming no extraordinary circumstances, within fourteen (14) business calendar days of issuance of the Notice of Hearing listing the formal charge(s). The Hearing Officers will review the final investigation report prior to the hearing. The Hearing Officers will identify the chair who will manage the hearing.

All hearings will be live/virtual and will be recorded. Each party's Advisor will be allowed to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.

At the request of either party, the college must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.

Only relevant cross-examination and other questions may be asked of a party or witness by their Advisor. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing chair officer must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.

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If a party does not have an Advisor present at the live hearing, the school must provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross examination on behalf of that party. If a party or witness does not submit to cross-examination at the live hearing, it does not mean that the evidence gathered from that witness or party cannot be considered or is excluded; however, the hearing officer can evaluate the evidence and weigh the evidence accordingly based on all other available relevant information.

The hearing officer(s) can not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. All hearings are closed to the public.

All hearings are recorded. Although both the complainant and respondent may be asked to be present at various times during the hearing, if either party would prefer not to be physically present during the hearing, the party can participate through electronic means or a privacy screen may be erected. Neither party is required to participate in the hearing in order for the hearing to proceed. If either party is not in attendance, the hearing may still proceed, findings may still be made, and sanctions may still be imposed.

During the hearing, the hearing officer(s) may question the complainant, the respondent, any witnesses called, and/or the investigator, and examine related information and evidence. The hearing officers shall restrict their questions to matters relevant to the specific case.

The parties cannot verbally pose questions to each other or to witnesses. The complainant and respondent will be able to pose questions directly, orally and in real time during cross-examination through their Advisor. The hearing officers will determine whether a question is or is not relevant. The Hearing Officers will not ask questions or permit questions to be asked that are in violation of the College's policy about a complainant's prior sexual behavior that are protected under statutory rape shield, prior evidentiary decisions, or questions that are irrelevant or repetitive.

Additionally, the hearing officers have discretion to change the wording of the question with agreement of the questioning party.

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Hearing officers, investigators, and advisors are expected to maintain the privacy of the participants in these proceedings except where disclosure may be authorized or mandated by law or College policy.

After considering all of the relevant information, the hearing officers will deliberate and make findings of fact applying the preponderance of the evidence, more likely than not, standard of proof. From those facts, the Hearing Officers will reach conclusions as to whether the respondent is responsible for conduct in violation of this policy.

At any time during the hearing process, the respondent may choose voluntarily to agree to a finding of responsibility relating to some or all of the charged conduct.

The hearing officers must issue a written determination within five (5) business days of the conclusion of the hearing that will state the determination regarding responsibility and include the with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. The written determination must be sent simultaneously to the parties along with information about how to file an appeal.

F. Hearing Recordings

In accordance with Title IX Regulations, Pre Hearings and Hearings (but not deliberations) are recorded by Guilford College. These recordings may be used in review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. By appointment, parties may review the recordings in the Title IX Office.

The Hearing Officer(s), the parties, their Advisors and appropriate administrators of Guilford College will be permitted to review the recording upon request to the Title IX Coordinator. No person will be given a copy or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

G. Imposition of Sanction

If the respondent is found "Responsible" or agrees to a finding of responsibility, the hearing officers, following consultation with the Title IX Coordinator, will impose a sanction designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and complying with the College's Title IX obligations.

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The complainant and respondent, and other affected parties, as appropriate, will each have the opportunity to submit a written statement about the impact of the violation and/or requested sanctions. The hearing officers will review these statements only if they find, or the respondent accepts, that the respondent is responsible for one or more violations.

The hearing officers shall determine the appropriate sanction (or combination of sanctions) in accordance with the College point system for student misconduct and discipline.

In cases involving **Non consensual Sexual Penetration** there is a **mandatory sanction** of dismissal.

Sanction Guideline Matrix

Prohibited Behavior	Range Of Sanctions
Nonconsensual Sexual Penetration; Non Consensual Sexual Contact; Sexual Harassment; Sexual Discrimination; Sexual Exploitation; Stalking; Dating Violence; Domestic Violence; Retaliation	Dismissal; Suspension; Probation (not in good standing); Community Service; Educational/Counseling Consultation; Loss of Privileges (denial of the use of certain College facilities or the right to participate in certain activities or to exercise certain privileges for a designated period of time); On Campus Residential Relocation; Changing Academic Schedule; Fine; Assessment of Points, apology or other remediation to reporting party.

If the respondent is no longer a student at the time of sanctioning, the hearing officers may impose any of the permissible sanctions that apply to complaints against non-students, either in addition to or in lieu of the sanctions set forth above.

In considering the appropriate sanction, the hearing officers may consider the circumstances, including but not limited to the following factors:

- The respondent's prior discipline history;
- How the College has sanctioned similar incidents in the past;
- The nature and violence of the conduct at issue;
- The impact of the conduct on the complainant;

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- The impact of the conduct on the community, its members, or its property;
- Whether the respondent has accepted responsibility;
- Whether the respondent is reasonably likely to engage in the conduct in the future;
- The severity of the sanction necessary to ensure that the conduct does not recur;
- Any other mitigating or aggravating circumstances, including the College's values.

Within five (5) five business days of the hearing, the Hearing Officers shall provide to the parties a copy of the written outcome determination report of the Hearing Officers' decision. The outcome determination letter will include, if applicable, the sanctions, remedies for the Complainant and information about the right each party has to appeal the decision and the basis for any appeal.

The hearing officers also will inform the complainant of any sanctions that directly relate to the complainant or are required by federal law to be disclosed to the complainant in the case of certain sexual offenses, including sexual assault, domestic/dating violence, and stalking.

The College will also notify those College employees necessary to implement the outcome and/or sanction

H. Remedies

Upon a finding of responsibility, remedies may be available to a complainant. Examples of potential remedies are provided in section Range of Measures. Other potential remedies include targeted or broad-based educational programming and/or training. The Title IX Coordinator, in consultation with others as necessary, will determine any appropriate additional remedies.

I. Appeal

The Appeals Panel will hear appeals regarding cases investigated under the Guilford College Title IX Policy and Grievance Procedures. Both complainant and respondent will be afforded equal opportunity to submit appeals based on **(1)** a determination of outcome and/or **(2)** a dismissal of a formal complaint or any allegations in the complaint

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under the Title IX Policy and Grievance Procedures. The Appeals Panel is composed of faculty and staff members trained in both this policy and appeal process, and the issues related to sexual misconduct and gender-based violence. The Title IX Office receives, in writing, all requests for appeals and convenes a panel to review the case.

Appeals must be submitted, **in writing**, to the Title IX Office (titleix@guilford.edu) by 5pm on the fifth business day after the issuance of an appealable decision. If neither party requests a timely appeal, any Outcome imposed will take effect immediately at the end of the five (5) business day appeal timeline. Any exceptions to the timeline are made at the discretion of the Title IX Coordinator.

Appeal requests are subject to the procedures outlined below. The written appeal must be clear, specific, and contain a detailed statement regarding the grounds for appeal. Appeals are not re-hearings. The decision will be based solely on the investigation and hearing record, including the written appeal, the Investigative Report, and the Notice of Outcome and included rationale, and any Hearing materials.

J. Basis of Appeals

Only appeals based on the following grounds will be considered by the Appeal Panel. Appeal requests that do not allege one of the following grounds will not be considered and will be summarily denied by the Appeal Panel:

a. New Evidence

Discovery of new evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the original finding or outcome. Withholding information or declining to participate in the original investigation is not grounds for an appeal based on discovery of new evidence. If the appeal is based on substantial new evidence the request must outline the following:

- Source of new information and complete explanation of that information;
- Name(s) of who can present this information;
- Reason(s) why this information was not presented at the original investigation; and
- Reason(s) why this new evidence could affect the original finding or outcome.

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b. Disproportionate sanctioning for the violation in question

If the assigned outcomes are substantially disproportionate to the violation of this policy, considering any mitigating and aggravating factors, including but not limited to the disciplinary history of the party found responsible. Outcomes will be reduced or changed only if they are determined to be disproportionate to the violation in question.

c. Procedural Irregularity

If it is believed there was an irregularity in the Title IX Process and Procedures (outlined above) that impacted the original finding or outcome (e.g. material deviation from established procedures that could affect the outcome of the hearing, etc.), the appeal request must outline the following:

- Citation of specific procedural errors with appropriate reference;
- Reason(s) why procedural error was not mentioned in the original investigation; and
- Reason(s) why the procedural irregularity affected the original finding or outcome.

d. Conflict of Interest or Bias

If there was an actual conflict of interest or bias exhibited by the Investigators, Title IX Coordinator, or Hearing Officer for or against complainants or respondents generally or the individual complainant or respondent that affected the original finding or outcome.

The appeal request must outline the follow:

- Citation of bias or actual conflict of interest exhibited by the Investigators, Title IX Coordinator, or Hearing Officer;
- Reason(s) why the bias or conflict of interest was not mentioned in the original investigation; and
- Reason(s) why the bias or actual conflict of interest affected the original finding or outcome.

K. Appeal Procedures

Once a request for an Appeal is submitted, written notice will be provided to the other party sharing the submission and the appeal procedures. Each party will be given five

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(5) business days to submit a written response in support of or challenging the outcome, for consideration.

The panel is comprised of at least three members of the faculty and/or staff Guilford College community with the following requirements to serve:

- There is no conflict of interest or bias;
- They were not involved in the initial investigation in any way including the hearing; and
- They have been properly trained on Guilford College's - Title IX Policy and Grievance Procedures and investigative process, the unique nature of incidents involving interpersonal violence and sexual misconduct, and appropriate appeals procedures.

Both parties will be provided names of potential Appeal panelists to address any potential conflicts of interest or bias. Potential Appeal panelists will also be provided the name of both students to address any potential conflicts of interest or bias, and panelists who feel they cannot make an objective determination must recuse themselves. Should any party object to any panelist, that party must raise all objections, in writing, to the Title IX Office immediately. Panelists will only be replaced if the Title IX Office concludes that they have a conflict of interest or bias that may preclude an impartial review of the appeal.

The Title IX and Appeals Panel has the authority to:

- Uphold the original decision;
- Uphold the original decision but change the outcome (i.e., adjust the sanction to be more or less severe);
- Remand the case to the original decision maker; or
- Remand the case to the investigator(s)

The decision of the Appeal Panel is final and written notification of their decision (related to responsibility and Outcomes) will be sent to both parties along with a rationale for their decisions. The appeal process is typically completed within 30 business days from the time the final Appeals Panel receives the appeal. When the academic calendar or a

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complicated incident requires going beyond this timeline, both parties will be kept apprised of the process and next steps.

L. Additional Considerations for Complaints against Students

a. Time Frames for Resolution

Guilford will make every effort to successfully resolve all reports within ninety (90) business days from the date that the investigation begins. The ninety (90) day timeframe refers to the investigation process, hearing, and imposing sanctions and/or remedies. It does not include appeals. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames, including extension beyond ninety (90) days. Such circumstances may include, but are not limited to, the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a complainant and respondent can expect that the process will proceed according to these time frames.

- Once the investigation begins, it will be completed within sixty (60) business days.
- The Hearing Officers will identify and issue charges in the Notice of Hearing within five (5) business days after receiving the final investigation report.
- The Pre-Hearing Conference will be held prior to the hearing.
- The hearing will be held after the Notice of Hearing is issued.
- Notice of the Outcome Determination will be provided within five (5) business days of the hearing.
- Either party may appeal the finding of a policy violation/non-violation and/or a sanction within Appeals must be submitted, in writing, to the Title IX Office by 5pm on the (5th) fifth business day after the issuance of the written Outcome Determination Letter.
- If there is a request for appeal, the decision whether to grant or reject the request for appeal will be determined within five (5) business days after the receipt of the request for an appeal.
- If a request for appeal is granted, the appeal review and decision will be made within ten (30) thirty business days from the time the request to appeal was granted.

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If the investigation and resolution exceed this time frame, the College will notify all parties in writing of the reason for the delay and the expected adjustment in time frames. The College will use its best efforts to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. All parties involved are entitled to periodic status updates on the progress of the complaint.

b. Group Infractions

When members of a student organization, team, or other group of individuals (a "group") act collusively in violation of this policy, they may be charged as a group, as individuals, or in both capacities, and an investigation may proceed against the group and/or against one or more involved individuals, as appropriate given the available information and the circumstances. The determination as to whether to investigate and/or charge those involved as individuals and/or as a group may be made by the Title IX Coordinator or the Hearing Officers, as appropriate under the circumstances.

Leaders or officers, members of a group, and/or the group as a whole may be held collectively and/or individually responsible when violations of this policy by the group or its members take place at a group-sponsored event, have received the consent or encouragement of the group or of the group's leaders or officers, were known or reasonably should have been known to the group's membership or its leaders or officers, or involve five (5) or more members of a particular group.

In any such action, determinations as to responsibility will be made and sanctions may be assigned collectively to those involved, individually in proportion to the involvement of each individual, and/or to the group as a whole. Notwithstanding the foregoing, no determination(s) made and/or sanction(s) issued under this policy to any individual or group shall preclude or prohibit any other administrative action from being taken, disciplinary or otherwise, or any other conduct body from making a determination and/or imposing sanctions consistent with its own policies, procedures, or practices.

XII. Records Retention

The Title IX Coordinator will retain for seven (7) years records of any and all communications and decisions based on any Title IX sexual misconduct filed under this policy. All emails, reports, videos, allegations, complaints, grievance process, informal resolution process, appeals process and their outcomes shall be maintained as a part of the record.

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Such records will be used in reviewing any further conduct or in developing sanctions and will remain a part of a student's conduct record. In general, the College will maintain records for the duration of the respondent's relationship with the College, and may retain them for up to seven (7) years following the respondent's departure from the College. In allegations involving child abuse, the College may keep the records indefinitely.

If the Hearing Officers do not find the respondent responsible, the student's conduct file or academic record will reflect that finding.

End of Policy

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