

**Kettering College**  
**SEXUAL MISCONDUCT POLICY AND COMPLAINT RESOLUTION PROCEDURES**

**I. Introduction**

Title IX protects those at Kettering College (“College”) from being discriminated against on the basis of sex. Sex discrimination is a serious offense and it includes discrimination on the basis of pregnancy, gender identity, and failure to conform to stereotypical notions of femininity and masculinity. Sexual harassment, as defined below, is a form of sex discrimination. The board of directors and the administration of the College are determined to provide an educational experience free from sex discrimination, including sexual harassment. Sex discrimination and sexual harassment are reprehensible and unacceptable and will not be tolerated on the College campus or at clinical sites. Such conduct would undermine the ideals and principles of the College.

**II. Scope**

This policy applies to administrators, faculty, and other College employees; students; applicants for employment; customers; third-party contractors; and all other persons that participate in the College’s educational programs and activities, including third-party visitors on campus (the “College Community”). This policy prohibits sex discrimination and sexual harassment when the complainant and alleged perpetrator are members of the same or opposite sex, and it applies regardless of national origin, immigration status, or citizenship status. The College’s prohibition on sex discrimination and sexual harassment extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, housing, and student services.

The College has jurisdiction over Title IX-related complaints regarding conduct that occurred on campus, during or at an official College program or activity (regardless of location), or off campus when the conduct could create a hostile environment on campus. The College will investigate all complaints made under this policy and, if necessary, take action to prevent the recurrence of sex discrimination and remedy its effects.

**III. Title IX Statement**

It is the policy of the College to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in the College’s educational programs and activities. Title IX and its implementing regulations also prohibit retaliation for asserting claims of sex discrimination. The College has designated the following Title IX Coordinator to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sex discrimination and sexual harassment:

Amy Ortiz-Moretta  
Assistant Professor/Title IX Coordinator  
G-95 across from classroom G-98  
(937) 395-8493  
[Amy.Ortiz-Moretta@kc.edu](mailto:Amy.Ortiz-Moretta@kc.edu)

Kris Harter  
Director of Student Life/Deputy Coordinator  
2<sup>nd</sup> floor lobby  
(937) 395-8601 ext. 55601  
[Kris.Harter@kc.edu](mailto:Kris.Harter@kc.edu)

It is the responsibility of the Title IX Coordinator to: (1) receive complaints under this policy; (2) coordinate dissemination of information and education and training programs; (3) assist members of the College Community in understanding that sex discrimination and sexual harassment are prohibited by this policy; (4) ensure that investigators are trained to respond to and investigate complaints of sex discrimination and sexual harassment; (5) ensure that employees and students are aware of the procedures for reporting and addressing complaints of sex discrimination and sexual harassment; and (6) to implement the Complaint Resolution Procedures or to designate appropriate persons for implementing the Complaint Resolution Procedures.

A person may also file a complaint of sex discrimination with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or by calling 1-800-421-3481.

#### **IV. Sexual Misconduct**

“Sexual misconduct” is an umbrella term covering sex discrimination, sexual harassment, and sexual violence and this term will be used throughout the remainder of this policy and the Complaint Resolution Procedures when collectively referring to these types of conduct.

##### **A. Sexual Harassment**

Sexual harassment may be and very often is a catalyst that causes relationships between employees, students, clinicians, and patients to become strained or soured. Sexual harassment is particularly damaging when it exploits the educational dependence and trust between students and faculty. When the authority and power inherent in faculty relationships with students, whether overtly, implicitly, or through misinterpretation, is abused in this way, there is potential for damage to all concerned and to the educational climate of the College.

This type of conduct may be defined as an attempt to coerce an unwilling person into a sexual relationship or to subject an individual to an unwanted sexual relationship, whatever form it may take. Sexual harassment may include but is not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone in the work or educational setting under any or all of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or academic progress.
2. Submission to or rejection of the conduct by the individual influences decisions regarding employment, academic status, or academic progress.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the individual is used as a basis for any decision affecting the individual regarding benefits and services,

honors, programs, or any other activity available at or through Kettering College.

## **B. Examples of Sexual Harassment**

In an endeavor to further clarify what College administration considers sexual harassment, the following salient points serve to illustrate:

1. Making unsolicited written, verbal, visual, or physical contact with sexual overtones. Some examples are:
  - a. Epithets, derogatory comments, or slurs of a sexual nature.
  - b. Impeding or blocking movements interfering physically with normal work.
  - c. Derogatory posters or cartoons displayed where they can offend others.
  - d. Sending sexually explicit emails or text messages.
  - e. Telling unwelcome, sexually explicit jokes.
  - f. Commenting on a person's body, gender, sexual relationships, or sexual activities.
  - g. Using sexually explicit profanity.
2. Continued expression of sexual interest after being informed that the interest is unwelcome.
3. Making reprisals, threats of reprisals, or implied threats of reprisal following a negative response to a sexual advance.
4. Offering favors or educational or employment benefits such as grades, promotions, favorable performance evaluations, favorable assignments, favorable clinical responsibilities, recommendations, etc., in exchange for sexual favors.

## **C. Sexual Violence**

1. Definition of Sexual Violence

Sexual violence is a serious form of prohibited sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity or because of his or her youth.

2. Examples of Sexual Violence

- a. Rape or sexual assault: sexual intercourse (anal, oral, or vaginal) by a man or woman upon a man or woman without consent.
- b. Unwelcome sexual contact that is committed by force, threat, or intimidation.
- c. Voyeurism
- d. Sexual contact with a person who is unconscious.

- e. Disseminating sexual pictures or videos of another person without consent.
- f. Use of a “date rape drug” to effect sexual intercourse or some other form of sexual contact with a person.
- g. Exceeding the scope of consent by engaging in a different form of sexual activity than a person has consented to.

#### **D. Definition of Consent**

Lack of consent is a critical factor in determining whether sexual violence has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

1. If coercion, intimidation, threats, and/or physical force are used, there is no consent.
2. If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
3. If a person is asleep or unconscious, there is no consent.
4. If a person is below the minimum age of consent in the applicable jurisdiction, there cannot be consent.
5. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
6. Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.
7. Being in a romantic relationship with someone does not imply consent to any form of sexual activity.
8. Effective consent may not exist when there is a disparity in power between parties (e.g., faculty/student, supervisor/employee).

#### **E. Domestic Violence, Dating Violence, and Stalking**

The crimes of domestic violence, dating violence and stalking can also constitute sexual harassment when motivated by a person’s sex. These crimes, no matter the motivation behind them, are a violation of this policy.

##### **1. Domestic Violence**

“Domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse or the victim under the domestic or family violence laws of the jurisdiction [...], or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

- Ohio’s definition of domestic violence can be found at Section 3113.31 of the Ohio Revised Code.

## 2. Dating Violence

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

- Ohio law does not specifically define dating violence.

## 3. Stalking

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

- Stalking is referred to as “Menacing by Stalking” in Section 2903.211 of the Ohio Revised Code.

# IV. Complaints

## A. Making a Complaint

Those wishing to report a complaint of sexual misconduct should file the complaint with the Title IX Coordinator. All College employees, except those identified in Section IV.B, have a duty to report sexual misconduct to the Title IX Coordinator when they become aware of or witness sexual misconduct. Students are strongly encouraged to do so. Complaints may also be filed with the United States Department of Education’s Office for Civil Rights, as set forth in Section II above.

It is possible for off-campus conduct between College employees or students to contribute to a hostile working or academic environment or otherwise violate the College’s policies. You may make a complaint of sexual misconduct even if the conduct occurs off-campus.

This policy also applies to the conduct of vendors, contractors, and third parties. Persons who believe they have been discriminated against or harassed in violation of this policy should make a complaint in the manner set forth in this section just as if another College Community member had engaged in the conduct.

## **B. Confidential Discussions**

If a victim desires to talk confidentially about his or her situation, there are resources available. The following resources are available to assist you and will not further disclose the information you provide, unless otherwise required to do so by law (e.g., if the victim is a minor):

- Bob Peach M.S., LPCC, IMFT
- Betty Hughes, M.S.,LPCC
- Kettering Counseling Care Center
- 2115 Leiter Rd., Suite 400
- Miamisburg, OH 45342
- (937) 384-6920

There are also other confidential resources available. The following resources are available to assist you as well. While these resources will maintain your confidentiality, they are required to make a non-identifying report to the Title IX Coordinator so that the College can analyze whether there are patterns or systemic problems of sexual misconduct on campus. These resources are:

- Ann Collier-Freed, Associate Professor of Religion, (937) 395-8601 ext. 57015
- Steve Carlson, Kettering College Chaplain, (937) 395-8601 ext. 57093
- Alexandria Harter, Kettering SDA Church Children and Family Pastor, (937) 298-2167

## **C. Content of the Complaint**

So that the College has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that the College may follow up appropriately.

## **D. Timing of the Complaint**

The College encourages persons to make complaints of sexual misconduct as soon as possible because late reporting may limit the College's ability to investigate and respond to the conduct complained of.

## **E. Information Provided to Complainant and Respondent**

A complainant who makes a claim of sexual misconduct to the College will be given a copy of the document titled "Explanation of Rights and Options After Filing a Complaint Under Kettering College's Sexual Misconduct Policy." This document provides information about this policy and the Complaint Resolution Procedures used to investigate and resolve complaints of sexual misconduct, options for filing complaints with the local police, resources that are available on campus and in the community, and other pertinent information. A person against whom a complaint has been filed will also be given information about the process.

## **F. Conduct that Constitutes a Crime**

Any person who wishes to make a complaint of sexual misconduct that also constitutes a crime—including sexual violence, domestic violence, dating violence, or stalking—is encouraged to make a complaint to local law enforcement. If requested, the College will assist the complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911. A victim may decline to notify such authorities.

### **G. Special Guidance Concerning Complaints of Sexual Violence, Domestic Violence, Dating Violence, or Stalking**

Victims of sexual violence, domestic violence, dating violence, or stalking should not blame themselves. These crimes are never the victim's fault. The College recommends that a victim of such a crime immediately go to the emergency room of a local hospital and contact local law enforcement, in addition to making a prompt complaint under this policy.

Victims of sexual violence, domestic violence, or dating violence should do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. Victims of sexual violence, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination or other medical examination is completed. Clothes should not be changed. When necessary, victims should seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

It is also important to take steps to preserve evidence in cases of stalking, to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence.

Once a complaint of sexual violence, domestic violence, dating violence, or stalking is made, the complainant has several options such as, but not limited to:

- Contacting parents or a relative
- Seeking legal advice
- Seeking personal counseling (always recommended)
- Pursuing legal action against the perpetrator
- Pursuing disciplinary action through the College
- Requesting that no further action be taken
- Requesting further information about the College's policy and procedures for addressing sexual misconduct
- Requesting further information about available resources

### **H. Retaliation**

It is a violation of this policy to retaliate against any member of the College Community who reports or assists in making a complaint of discrimination or harassment or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in this section.

## **I. Protecting the Complainant**

Pending final outcome of an investigation in accordance with the Complaint Resolution Procedures, the College will take steps to protect the complainant from further discrimination or harassment. This may include assisting and allowing the complainant to change his or her academic, transportation, work, or living situation, to the extent that the College has control over these environments, if options to do so are reasonably available and upon request of the complainant. Such changes may be available regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Requests to change an academic, living, transportation, or work situation, or for any other protective measures, should be made to the Title IX Coordinator.

If a complainant has obtained a temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant may provide such information to the Title IX Coordinator. The College will take all reasonable and legal action to implement the order.

## **J. Bad Faith Complaints**

While the College encourages all good faith complaints of sexual misconduct, the College has the responsibility to balance the rights of all parties. Therefore, if the College's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

## **V. Investigation and Confidentiality**

All complaints of sexual misconduct will be promptly and thoroughly investigated in accordance with the Complaint Resolution Procedures, and the College will take disciplinary action where appropriate. The College will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the College cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the College's ability to respond may be limited. The College reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College Community.

The Title IX Coordinator is the person responsible for evaluating requests for confidentiality.

## **VI. Resolution**

If a complaint of sexual misconduct is found to be substantiated, the College will take appropriate corrective and remedial action. Students, faculty, and employees found to be in violation of this

policy will be subject to discipline up to and including written reprimand, probation, suspension, demotion, termination, or expulsion. Vendors, contractors, third-parties, other affiliates and program participants may be removed from College programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant, academic, transportation, work, or living accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

## **VII. Academic Freedom**

While the College is committed to the principles of free inquiry and free expression, sexual misconduct is neither legally protected expression nor the proper exercise of academic freedom.

## **VIII. Education Programs**

Because the College recognizes that the prevention of sexual misconduct, as well as domestic violence, dating violence, and stalking, is important, it offers educational programming to a variety of constituents on campus, including new employees and students during orientation. Among other elements, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention; and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. To learn more about education resources, please contact the Title IX Coordinator.

## **SEXUAL MISCONDUCT COMPLAINT RESOLUTION PROCEDURES**

### **I. General Principles**

#### **A. Applicability**

These Complaint Resolution Procedures apply to the resolution of all reports under the Sexual Misconduct Policy at the College. They apply to the resolution of complaints against students, faculty, administrators, staff, and third parties, and they are the exclusive means of resolving complaints of sexual misconduct.

#### **B. Administration**

For purposes of these complaint resolution procedures, contact Amy Ortiz-Moretta or Kris Harter. The Investigating Officer shall have responsibility for administering these complaint resolution procedures.

#### **C. Promptness, Fairness and Impartiality**

College administration is committed to responding promptly and equitably to complaints of sexual misconduct and reaching fair resolutions of the complaint. The right to confidentiality of all members of the academic community will be respected insofar as is possible.

The Investigating Officer shall discharge his or her obligations under these complaint resolution procedures fairly and impartially. The Investigating Officer, and any other College employees involved in resolving the complaint, must be sensitive to the conflicts of interest that are inherent in personal relationships where professional and educational relationships are also involved. If the Investigating Officer, or other College employee, determines that he or she cannot apply these procedures fairly and impartially because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, other appropriate individuals should be assigned to administer these procedures.

#### **D. Training**

These procedures will be implemented by officials who receive annual training on the issues related to sex discrimination, sexual harassment, sexual violence, domestic violence dating violence, and stalking and how to conduct an investigation that protects the safety of victims and promotes accountability.

### **II. Investigation and Resolution of the Complaint**

#### **A. Commencement of the Investigation**

The Investigating Officer will initiate a formal investigation upon receipt of a complaint, as described in Section IV of the Sexual Misconduct Policy. The investigation will commence as soon as practicable, but not later than seven (7) days after the complaint is made. The purpose of the investigation is to determine whether it is more likely than not that the alleged

behavior occurred and, if so, whether it constitutes sexual misconduct. During the course of the investigation, the Investigating Officer may receive counsel from College administrators, the College's attorneys, or other parties as needed.

In certain narrow circumstances, the Investigating Officer may commence an investigation even if the complainant requests that the matter not be pursued. In such a circumstance, the Officer will take all reasonable steps to investigate and respond to the matter in a manner that is informed by the complainant's articulated concerns.

### **B. Content of the Investigation**

During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses and other evidence. The Investigating Officer will review the statements and evidence presented and may, where necessary, interview individuals who may have observed the alleged conduct, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

### **C. Timing of the Investigation**

The College will endeavor to conclude its investigation and resolution of the complaint within sixty (60) calendar days of receiving it. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant or respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Investigating Officer in writing explaining how much additional time is needed and why it is needed. The Investigating Officer shall respond to any such request within three (3) days.

### **D. Support Person/Advisor**

During the investigation process, both a complainant and a respondent may ask a support person/advisor to accompany him or her at all stages of the process. In cases involving multiple complainants or respondents, the support person/advisor cannot be another complainant or respondent. The support person/advisor does not serve as an advocate on behalf of the complainant or respondent, may not be actively involved in any proceedings, and must agree to maintain the confidentiality of the process. A support person/advisor may be removed if he or she becomes disruptive or does not abide by the limitations discussed in the previous sentence.

### **E. Interim Measures**

At any time during the investigation, the Investigating Officer may determine that interim remedies or protections for the parties involved or witnesses are appropriate. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative class-placement or workplace arrangements. Failure to comply with the terms

of these interim remedies or protections may constitute a separate violation of the Sexual Misconduct Policy.

#### **F. Pending Criminal Investigation**

Some instances of sexual harassment may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, the College will assist the complainant in doing so. The pendency of a criminal investigation, however, does not relieve the College of its responsibilities under Title IX. Therefore, to the extent doing so does not interfere with any criminal investigation, the College will proceed with its own investigation and resolution of the complaint.

#### **G. Resolution**

At the conclusion of the investigation, the Investigating Officer will analyze the results and prepare a written report that documents the scope of the investigation, identify findings of fact, and state whether any allegations in the complaint were found by a preponderance of the evidence.

If the written report determines that sexual misconduct occurred, the Investigating Officer shall set forth in an addendum to the written report those steps necessary to maintain an environment free from discrimination and harassment and to protect the safety and well-being of the complainant and other members of the College Community. Such actions will also include reasonable steps to correct the effects of such conduct on the complainant and others and to prevent the recurrence of discrimination, harassment, and retaliation. Examples of such action include: no-contact orders, classroom reassignment, the provision of counseling or other support services, training, and discipline for the perpetrator, including up to termination, expulsion, or other appropriate institutional sanctions.

The complainant and the respondent will receive a copy of the written report and any addendum within three (3) days of its completion. If necessary, the version of the addendum provided to the complainant and/or respondent will be redacted to ensure that information concerning any remedial and/or disciplinary measures is disclosed in a manner consistent with Title IX, the Family Educational Rights and Privacy Act (“FERPA”), and the Clery Act, as explained by the April 4, 2011 Dear Colleague Letter issued by the U.S. Department of Education, available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>.

The written report of the Investigating Officer shall be final subject only to the right of appeal set forth in Section IV below.

#### **H. Special Procedure Concerning Complaints Against the President, Title IX Coordinator, or College Official Outranking the Title IX Coordinator**

If a complaint involves alleged conduct on the part of the President, the Board of Directors will designate the Investigating Officer. Based on the information gathered by the investigation, the Board of Directors will prepare and issue the written report determining the complaint. The determination of the Board of Directors is final and not subject to appeal.

If a complaint involves alleged conduct on the part of the Title IX Coordinator or a College official that outranks the Title IX Coordinator, the President will designate the Investigating Officer. Based on the information gathered by the investigation, the President will prepare and issue the written report determining the complaint. The determination of the President is final and not subject to appeal.

### **I. Informal Resolution**

Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure. The following standards apply to any informal resolution method that is utilized:

- Can only be used with the complainant's voluntary cooperation and the involvement of the Title IX Coordinator
- The complainant will not be required to work out the problem directly with the respondent
- Either party may terminate the informal process at any time and elevate the complaint to the formal investigation procedures described above
- Informal means, even on a voluntary basis, will not be used to resolve complaints alleging any form of sexual violence

### **III. Rights of the Parties**

During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. They include:

- Equal opportunity to identify and have considered witnesses and other relevant evidence
- Similar and timely access to all information considered by the Investigating Officer
- Equal opportunity to review any statements or evidence provided by the other party, and
- Equal access to review and comment upon any information independently developed by the Investigating Officer, if such access is granted to either party

### **IV. Appeals**

#### **A. Grounds of Appeal**

The complainant or respondent may appeal the determination of a complaint only on the following grounds:

- The decision was contrary to the substantial weight of the evidence
- There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the Investigating Officer, would result in a different decision
- Bias or prejudice on the part of the Investigating Officer, or

- The punishment or the corrective action imposed is disproportionate to the offense

## **B. Method of Appeal**

Appeals must be filed with Victor Brown, Dean for Enrollment Management (for student appeals) or Nate Brandstater, President (for faculty/staff appeals)] (“Appellate Officer”) within ten (10) days of receipt of the written report determining the outcome of the complaint. The appeal must be in writing and contain the following:

- Name of the complainant
- Name of the respondent
- A statement of the determination of the complaint, including corrective action if any
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it, and
- Requested action, if any.

The appellant may request a meeting with the Appellate Officer, but the decision to grant a meeting is within the Appellate Officer’s discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity.

## **C. Resolution of Appeal**

The Appellate Officer will resolve the appeal within fifteen (15) days of receiving it and may take any and all actions that he/she determines to be in the interest of a fair and just decision. The decision of the Appellate Officer is final. The Appellate Officer shall issue a short and plain, written statement of the resolution of the appeal, including any changes made to the Investigating Officer’s previous written determination and/or the sanctions and remedial measures imposed. The written statement shall be provided to the complainant, respondent, and the Title IX Coordinator within three (3) days of the resolution.

## **V. Documentation**

Throughout all stages of the investigation, resolution, and appeal, the Investigating Officer, the Title IX Coordinator, and the Appellate Officer, as the case may be, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these complaint resolution procedures, which may include written findings of fact, transcripts, and audio recordings.

## **VI. Intersection with Other Procedures**

These complaint resolution procedures are the exclusive means of resolving complaints alleging violations of the Sexual Misconduct Policy. To the extent there are any inconsistencies between these complaint resolution procedures and other College grievance, complaint, or discipline procedures, these complaint resolution procedures will control the resolution of complaints alleging violations of the Sexual Misconduct Policy.