

Title IX Policy
Sexual Harassment, Discrimination, and Misconduct Policy

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

- Title IX, Education Amendments of 1972

Louisburg College is committed to providing a safe living, learning, and working environment that is free from harassment and discrimination. Louisburg College believes that all people should be treated with respect and dignity and that we are all accountable for our actions. As such, Louisburg College does not tolerate sexual harassment, discrimination, and misconduct. Sexual harassment, discrimination, and misconduct may include but is not limited to sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, sexual harassment, sexual coercion, dating and relationship violence, and stalking. All acts of sexual misconduct are forms of sex discrimination and are prohibited by Title IX and College policy.

College Jurisdiction

This policy is applicable to all members of the Louisburg College community, including students, employees, visitors, and independent contractors. Members of the College community are responsible for their behavior, regardless of whether the conduct in question occurs on campus or an off-campus location. Therefore, this policy applies both to on- and off-campus conduct. While there are no geographic limitations regarding conduct that may be addressed by this policy, sexual harassment, discrimination, and misconduct alleged to have occurred off-campus may be more difficult to investigate. Additionally, complaints brought by individuals who are not part of the campus community against members of the campus community will be addressed pursuant to this policy.

Title IX Staff

Title IX Coordinator:

Jason Modlin
Vice President for Student Life
108 Davis Hall
919.497.3210
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Deputy Title IX Coordinator for Student

Life:

Brian Gano
Coordinator for Student Advocacy and
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919.497.3348
bgano@louisburg.edu

Deputy Title IX Coordinator for Human

Resources:

Terry Wright
Director of Human Resources
204 Davis Hall
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Definitions

1. **Complainant** – An individual who has experienced alleged sexual harassment, discrimination, and misconduct.
2. **Respondent** – The individual against whom a complaint of sexual harassment, discrimination, and misconduct has been made.
3. **Bystander**- Individuals who observe possible sexual harassment, discrimination, and misconduct and have the opportunity to intervene. Bystanders may report possible sexual harassment, discrimination, and misconduct (see “Reporting”). Responsible employees which includes faculty and staff are required to report.
4. **College** – Louisburg College
5. **Confidential Resources**- Employees at the College who are permitted to guarantee confidentiality. These include staff in the Joel Porter Counseling Center (919-497-3205); the College Chaplain (919-497-3231); and health services staff (919-497-1399).
6. **Responsible Employees** – Louisburg College faculty and staff, including residence life staff, who are not designated as confidential resources. While we take the wishes of the complainant into strong consideration, reports of sexual harassment, discrimination, and misconduct made to a responsible employee must be reported to the College’s Title IX Coordinator.
7. **College Community** – Students, employees, visitors, and independent contractors of Louisburg College.
8. **Consent** – words or actions that show an active knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, by ignoring or acting without regard to the objectives of another, or by taking advantage of the incapacitation of another, where the student knows or reasonably should have known of such incapacity. Use of alcohol or drugs may impair an individual’s capacity to freely consent and may render an individual incapable of giving consent. Consent may not be implied by silence or any other absence of active resistance. Prior consent does not imply consent to future sexual acts, nor doesn’t consent to one type of sexual act imply consent to another type of sexual act.

Yes mean yes. This means that affirmative consent should be freely given by all participants, without coercion or duress, before any sexual activity occurs. It does not matter if or what kind of sexual behavior has occurred at an earlier point in time. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal of consent is communicated clearly. Upon clear communication of withdrawal, all sexual activity must cease.

Consent may not be given by the following persons:

- * Individuals who are mentally incapacitated at the time of the sexual contact in a manner that prevents him or her from understanding the nature or consequences of the sexual act involved;
- * Individuals who are unconscious or otherwise physically helpless; and

* Minors.

Incapacitation is defined as the physical and/or mental inability to make informed, rational judgements that inhibits an individual's ability to give consent.

Incapacitation may be caused by a permanent or temporary physical or mental impairment. Incapacitation may also result from the consumption of alcohol or the use of drugs.

The use of alcohol or drugs may, but does not automatically affect a person's ability to consent to sexual activity. The consumption of alcohol or drugs may create a mental incapacity if the nature and degree of the intoxication go beyond the stage of merely reduced inhibition and reach a point in which the complainant does not understand the nature and consequences of the sexual act. In such case, the person cannot consent.

A person violates the sexual harassment, discrimination, and misconduct policy if he or she has sexual contact with someone he or she knows or should know is mentally incapacitated or has reached the degree of intoxication that results in incapacitation. The test of whether an individual should know about another's incapacitation is whether a reasonable, sober person would know about the incapacitation. A respondent cannot rebut a sexual harassment, discrimination, and misconduct charge merely by arguing that he or she was drunk or otherwise impaired and, as a result did not know that the other person was incapacitated.

An individual who is passed out or unconscious as a result of the consumption of alcohol or drugs is physically helpless and is unable to give consent.

NOTE: Immediate medical attention should be summoned for an individual found to be in this state.

Sexual Harassment, Discrimination and Misconduct Policies

1. **Sexual Assault** – This includes any action that constitutes sexual abuse, including but not limited to date/acquaintance rape, any sexual act against another person forcibly (against that person's will), or not forcibly and against that person's will when that person is unable to give consent [See definition of "Consent"].
2. **Non-Consensual Sexual Contact** – Any sexual contact that occurs without consent [See definition of "Consent"]. Examples of sexual contact include but are not limited to: the intentional touching of a person's genitalia, groin, breast, or buttocks or the clothing covering any of those areas, or using force to cause the person to touch his or her own genitalia, groin, breast, or buttocks.
3. **Sexual Exploitation** - taking sexual advantage of another person without effective consent. This includes but is not limited to: causing the incapacitation of another person for a sexual purpose; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds, or

- images of another person; allowing third parties to observe sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; and knowingly transmitting a sexually transmitted infection, including HIV, to another person.
4. **Sexual Harassment** – includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic success; 2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or 3) such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive work or educational environment.
 5. **Sexual Coercion or Intimidation** – an unusual amount of pressure or threat to engage in sexual activity. Coercion begins not when one makes a sexual advance, but when one realizes that the other person does not want to be convinced and he or she continues to push.
 6. **Intimate Partner and Relationship Violence** – This violation includes actions often referred to as Domestic Violence or Dating Violence. This includes coercion, abuse, or violence between partners in a personal, intimate relationship. This behavior can be physical, sexual, economic, verbal, emotional, or psychological actions or threats of actions that influence another person. Incidents can occur between current or former romantic or intimate partners who have dated, lived together, or been married. Relationship abuse and violence can occur between persons of the same or different gender.
 7. **Stalking** – This includes repeatedly contacting another person when the contact is unwanted. The conduct may cause the other person reasonable apprehension of imminent physical harm or substantial impairment of the other person's ability to perform the activities of daily life. Contact includes but is not limited to unwanted communication (in person, by phone, or by computer), unwelcome gifts or flowers, following a person, and watching or remaining in the physical presence of the other person.

Reservation of Rights:

Students: Louisburg College expressly reserves its right to bring charges against any student, under the Student Conduct Process, for misconduct which does not constitute a violation of the Louisburg College Sexual Harassment, Discrimination, and Misconduct Policy. When a student is reported to have engaged in both sexual harassment, discrimination, and misconduct and other types of misconduct, the College will ordinarily review the reported sexual harassment, discrimination, and misconduct and other types of misconduct pursuant to the Title IX Policy. The Title IX investigator will investigate the reported other types of misconduct and the final Title IX investigative report will reach conclusions concerning

whether the respondent violated the Sexual harassment, discrimination, and misconduct Policy and any other sections of the Student Code of Conduct using a preponderance of the evidence standard. If the Title IX report concludes that the respondent violated the Sexual harassment, discrimination, and misconduct Policy and any other sections of the Student Code of Conduct, the Sanctions Panel will determine the sanctions for all misconduct in accordance with the process described in Part III of the Title IX Policy. If the Title IX report concludes that the respondent did not violate the Sexual Harassment, Discrimination and Misconduct Policy, but that the respondent did violate other sections of the Student Code of Conduct, the Title IX report will be referred to the Coordinator for Student Advocacy and Accountability for resolution in accordance with the Student Conduct Process set forth in the Student Code of Conduct.

Employees/Vendors: Louisburg College expressly reserves the right to address any alleged employee/contractual policy and workplace violations that are not covered by the Title IX Policy that may have taken place concurrently to the alleged Title IX Policy violation. These alleged violations will be addressed in the manner outlined in employee or faculty handbooks and/or contracts.

Sexual Harassment, Discrimination, and Misconduct Resolution Process

REPORTING A COMPLAINT

A complaint is the reporting of an incident that may have violated the College's Title IX Policy. A complaint may be verbal or in writing. A written complaint is preferred in order to ensure the College understands the initial complaint, however, a verbal complaint will also be accepted. Anonymous reporting is available through the College's website, under Campus Safety & Police. Once a possible violation is reported to a Responsible Employee, the information shared will be given to the Title IX Coordinator.

When making a complaint, the complainant may choose how much information he or she wishes share, however, certain details will make it easier to investigate and to ensure a complaint can be resolved. At the time of the complaint, it is most helpful to have:

- a) What occurred which resulted in the alleged violations (specific details are not yet needed)?
- b) Who was involved?
- c) Where and when did the incident occur?
- d) Is the incident ongoing or recurring?

This initial information will also be helpful in determining if any immediate and interim actions need to be taken to ensure the safety of the complainant, respondent, and the campus community as a whole. Additional information will be gathered if an investigation is deemed necessary.

At any time that a serious, imminent, and continuing threat exists, Campus Police will be notified and an LC Alert will be issued to the campus community.

Where to Make a Complaint

If you believe you or someone you know has experienced sexual harassment, discrimination, and misconduct, you should promptly report the incident. When reporting a complaint, it is important to know who the most appropriate person is to report the incident and what will happen after a report is made. There are three groups of people affiliated with the college who must take specific actions once notified of a Title IX complaint: *Non-confidential faculty and staff*; *Confidential staff*; and, *Campus Police*. No employee is authorized to investigate or resolve complaints of sexual harassment, discrimination, and misconduct without the involvement of the Title IX Coordinator. If you are unsure about what constitutes sexual harassment, discrimination, and misconduct at Louisburg College, please contact the Title IX Coordinator.

Non-confidential faculty and staff: You may report an incident to any Responsible Employee (faculty and staff, including Residence Life Staff, i.e. Resident Advisors and Community Directors). Responsible Employees have an obligation under federal law to inform the Title IX Coordinator of possible Title IX violations. Once the Title IX Coordinator is notified, the procedures outlined in the Title IX Policy will be followed. You may report directly to the Title IX Coordinator or Deputy Title IX Coordinators:

Title IX Coordinator
Jason Modlin
Vice President for Student Life
jmodlin@louisburg.edu
919-497-3210
Davis Hall 108

Deputy Title IX Coordinator for Student
Life
Brian Gano
Coordinator for Student Advocacy and
Accountability
bgano@louisburg.edu
919-497-3348
Davis Hall 202

Deputy Title IX Coordinator for Human
Resources
Terry Right
Director of Human Resources
twright@louisburg.edu
919-497-3294
Davis Hall 204

Confidential Staff: Some College staff are not required to share information with the Title IX Coordinator. These confidential staff are a resource to all individuals in the Louisburg College Community who may have witnessed or experienced a violation of the Title IX policy but who do not wish to start the process outlined in the policy. An individual who utilizes a confidential resource may also report the incident to a non-confidential resource or ask the confidential staff to report the incident, if they wish. In some circumstances a confidential resource is legally required to break confidentiality, such as when someone is in immediate danger, a court orders the release of information, or if an incident involves a minor. At all other times, you can be assured that information shared with these individuals is kept in the utmost confidence. These confidential resources are:

Counselors in the
Joel Porter Counseling
Center
919-497-3205
Davis 104

College Chaplain
919-497-3231
Benson Chapel

Staff in the
Campus Health Clinic
919-497-1399
Kenan 110

Campus Police: Louisburg College Campus Police are sworn officers of the State of North Carolina and have certain legal obligations when a crime is reported to them. Campus Police officers are also Responsible Employees of the College and have the same obligation to report possible violations of the Title IX Policy to the Title IX Coordinator as non-confidential faculty and staff. If a violation of the Title IX Policy is also a violation of the law, Campus Police may assist in the filing of a criminal complaint and guide the complainant through the criminal process. Campus Safety Officers are non-sworn officers and College employees; they have the same obligations of a Responsible Employee but do not act as agents of the State of North Carolina and therefore will not have the same obligations as a sworn officer.

Campus Safety & Police
919-497-3400
Davis 100

Note: Adjudication via the criminal justice system is independent from the College's Sexual harassment, discrimination, and misconduct Grievance process. Regardless of whether a complainant decides to pursue resolution via the Sexual harassment, discrimination, and misconduct Grievance process, a criminal investigation, both, or neither, the College will take immediate steps to investigate the complaint, protect the complainant, and ensure the safety of the campus community. If a criminal complaint is filed in addition to a complaint reported to Louisburg College, the College will continue implementing its procedures and protections regardless of the timeline or outcome of the criminal procedures.

RESOURCES AND SUPPORT FOR COMPLAINANTS AND RESPONDENTS

The College encourages all who have witnessed or believe they have been a victim of sexual discrimination, including assault, to report the incident promptly. However, the College also recognizes that it may be difficult to discuss such incidents. The College will support complainants through the process. The College will provide certain policies and resources to ensure a complaint can be properly investigated and resolved. Once a respondent is identified, she or he will also be provided with resources as support through the process.

Advisor: A complainant and respondent may have an advisor present during any official meeting, interview, or hearing held during the process outlined in the Title IX Policy. The advisor can be anyone of the complainant or respondent's choosing, unless that person is also involved in the incident as a witness, complainant, respondent, investigator, or member of a conduct body hearing part or all of the case. The advisor is to be a support person during the process and is not a participant of the process. The advisor may not: (1) speak for the complainant or respondent; (2) ask questions on behalf of the complainant or respondent; (3) ask questions or give statements during any part of the process; or, (4) disrupt the process in any way. The advisor may: (1) speak with the complainant or respondent to whom they are serving as an advisor; (2) answer questions posed to them by the complainant or respondent to whom they are serving as an advisor; (3) request a break on behalf of the complainant or respondent to whom they are serving as an advisor; and, (4) offer emotional support to the complainant or respondent. An advisor who does not abide by these guidelines will be asked to cease being the complainant or respondent's advisor and the College will ask the complainant or respondent to identify a new advisor.

Note: Attorneys are permitted to be an advisor, however, they are not permitted to speak for or otherwise represent the respondent or complainant. Attorneys must abide by the same guidelines of all other advisors. If a respondent or complainant employs an attorney and requests them as his/her advisor, the College asks that the respondent or complainant notifies the Title IX Coordinator. The College may request a meeting with the attorney to go over the college's policy and expectations of them in this role.

Amnesty: A student who reports sexual harassment, discrimination, and misconduct will not be subject to conduct proceedings for his/her own personal consumption or possession of alcohol at or near the time of the incident, provided that the consumption or possession did not place the health and/or safety of any other person at risk or violate additional College policies.

Confidential Resources: While all persons receiving a report of sexual harassment, discrimination, and misconduct understand the desire to keep information confidential, maintaining confidentiality is not always possible. The only individuals at Louisburg College permitted to guarantee confidentiality are counselors in the Joel Porter Counseling Center (919-497-3205), the College Chaplain (919-497-3231), and the Campus Health Clinic staff (919-497-1399). These resources may be consulted at any time, including prior to making an official report to the College or law enforcement officials. To the extent possible, the College will respect an individual's request for confidentiality; however, the request for confidentiality will be weighed against the College's obligation to act on information it has received in order to provide a safe campus environment.

Assistance and support for complainants of sexual harassment, discrimination, and misconduct: Louisburg College recognizes the importance of assisting a member of the College community who is a complainant of sexual violence in regaining a sense of personal control. In this respect, several College departments coordinate resources to offer services to a complainant and others upon whom the sexual harassment, discrimination, and misconduct might have had an impact. Louisburg College strongly urges anyone who has experienced sexual violence/misconduct to:

Seek immediate medical assistance:

Emergency Services (EMS, Fire, Police)	911
Maria Parham Hospital & SARN (Sexual Assault Response Nurse)	(252) 438-4143

Victim Assistance and Support

Safe Space (Located in Louisburg)	(919) 497-5444
NC Coalition Against Sexual Assault	(919) 871-1015
National Rape Hotline	(800) 656-HOPE (4673)
National Domestic Violence Hotline	(800) 799-SAFE (7233)

Legal Assistance

Campus Police	(919) 497-3400
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Contact the Title IX Coordinator if you need additional assistance locating legal assistance.

Health, Mental Health, and Counseling Services:

Joel Porter Counseling Center (919) 497-3205
Employee Assistance Program (employees only) (Contact Human Resources)

* Campus Police and Residence Life Staff can also contact the on-call counselor outside of regular business hours.

Campus Offices

Financial Aid – Director of Financial Aid (919) 497-3212
Immigration & Visa Assistance – Director of Admissions (919) 497-3228

Gather information:

If you need more information about filing a complaint, campus policies, rights, reporting and resources, contact:

Title IX Coordinator, Jason Modlin (919) 497-3210

Wrongful allegation:It is a violation of this policy to knowingly bring a false complaint under this policy. However, failure to prove a claim of sexual harassment, discrimination, and misconduct does not alone constitute proof of a false and/or malicious accusation. Individuals who make frivolous or false reports shall not be deemed to be acting in good faith.

Non-retaliation:All members of the College community, including students, faculty, and staff, who have good-faith concerns regarding possible sexual harassment, discrimination, and misconduct are expected to report these concerns to the Title IX Coordinator or Dean of Students. The College prohibits retaliation, in any form, against any individual who reports in good faith an actual, potential, or suspected violation of the Title IX Policy. Anyone who engages in retaliation will be subject to discipline in accordance with the College’s Retaliation policy and/or the Student Code of Conduct.

ROLE OF TITLE IX COORDINATOR

The Title IX Coordinator will first ensure that the complainant is safe and that the campus community is protected. The Coordinator will meet with the complainant(s) and respondent(s) of the complaint. The Coordinator is trained in college sexual harassment, discrimination, and misconduct and will provide information (in writing) and guidance to the complainant and respondent. The following information is provided:

- * Resources on campus and in the community, including counseling support.
- * Information about the College’s investigation process and grievance procedures for pursuing a formal complaint against a faculty, staff, or student member of the campus community or third party.
- * Information about Louisburg College’s non-retaliation policy.

- * Information about the complainant's right to pursue criminal action in addition to the College's procedures and actions.
- * Possible accommodations or other measures to assure the complainant and respondent's well-being, including no-contact orders and adjustments to classes/housing/work study.
- * Description of the College's obligation to treat both the complainant and respondent fairly and to promptly investigate the reported sexual harassment, discrimination, and misconduct.
- * Description of the role of the Student Life Office or the Human Resources Office in assisting with sexual misconduct investigations and grievance process when students or faculty/staff are involved, respectively.

INTERIM ACTIONS AND ACCOMMODATIONS

Interim actions and accommodations are meant to ensure the safety of all individuals involved in a complaint, specifically the complainant and respondent. These actions may be put in place prior to, during, or after a formal or informal resolution process.

Interim actions: Interim actions are meant to be temporary and have the least amount of impact on a respondent's academic activities weighed against the need to protect the safety of the complainant(s) and campus community. Interim actions are not decisions about responsibility. The Title IX Coordinator will issue an interim action when the College feels that it there is an imminent or ongoing threat to the campus community. Interim actions may include, but not limited to: Counseling Referral; Housing reassignment or removal; Temporary Removal from Campus; No Contact Orders; *Persona non grata* Notice (No Trespass). These actions are described in the Student Conduct Process section of the Student Handbook

Accommodations: A complainant and respondent may request reasonable accommodations be made to help him/her during or after the resolution process. Accommodations must be requested and all request must be approved by the Title IX Coordinator, in consultation with appropriate faculty and staff. A request for an accommodation does not guarantee the approval of the accommodation. The Title IX Coordinator will work with the complainant and respondent to identify ways to alleviate any concerns he or she may have resulting from the complaint. Accommodations may include, but are not limited to: request rearrangement of class schedule or housing assignment; request arrangement for the complainant to have additional time to complete a course or retake/withdraw from a class without academic or financial penalty; housing reassignment; providing an escort between classes; or, request that the Title IX Coordinator or Dean of Students address the complainant's concerns with the respondent (*see Investigation and Resolution Procedures - Informal resolution*).

INVESTIGATION AND RESOLUTION PROCEDURES

The Title IX Coordinator will discuss with the complainant the options available to resolve a complaint. The complainant may request one of three options: *No resolution/action requested*; *Informal Resolution*; or, *Formal Resolution*. The Title IX Coordinator will take into consideration the request of the complainant. However, the Title IX Coordinator has a duty to investigate all complaints (to the extent possible) to prevent any recurrence of an incident or to

remedy a hostile environment. If the Title IX Coordinator has information to believe there is an ongoing concern or if the complaint indicates a significant risk to the campus community, a formal resolution process may be required, even if not requested by the complainant. Instances of sexual violence always require a formal resolution process. A complainant may change their request at any time during the process. If a complainant wishes to withdraw his or her complaint, the Title IX Coordinator will determine if the formal or informal process should be discontinued. All complaints of sexual harassment, discrimination, and misconduct will be resolved within sixty (60) days.

Note: A complainant may request to have the complaint remain confidential or have his/her name withheld. The College will make all efforts to honor this request, however, this will greatly reduce the ability of the College to investigate the complaint and seek resolution. In these cases, if the College cannot maintain confidentiality of the complainant, the Title IX Coordinator will inform the complainant before the process continues.

Rights of the Complainant and Respondent

The complainant and the respondent will be granted the following rights in the Title IX resolution process:

1. An equitable and fair process to resolve the complaint.
2. Equal opportunity to provide names of relevant witnesses and other evidence to be included in the investigation.
3. Equal opportunity to have an adviser at any stage of the proceedings. (see *Resources and Support for Complainants and Respondents – Advisor*)
4. Preponderance of the evidence (more likely than not) standard in fact-finding and formal resolution procedures.
5. Right to an appeal.
6. Receive written notification of the outcomes of both the investigation, College Review Board's sanctioning decision, and the appeal decision, if applicable.
7. All records of sexual misconduct complaints and resolutions remain confidential to the extent allowed by law.

Resolution Options

No resolution/action requested: If the complainant does not wish to have an action taken by the college, the Title IX Coordinator will determine if the College can honor that request. If the request can be honored, the Title IX Coordinator will document the complaint and the request for no action and then close the case. At any time, the complainant may make a request for informal or formal resolution to take place.

Informal resolution: An individual who wishes to file a complaint of sexual harassment, discrimination, and misconduct at Louisburg College but who does not wish to pursue a formal resolution may request a less formal proceeding, referred to as the informal resolution process. The informal resolution process is not available for complaints of sexual violence, such as sexual assault, even on a voluntary basis. The informal resolution process is intended to resolve complaints quickly, efficiently, and to the mutual satisfaction of both parties. The informal resolution process should be initiated as soon as possible after notifying the College of a complaint, and if this is desired by the complainant and the respondent. Though there may be

other options to informally resolve a complaint, mediation is the most commonly used and preferred method since it encourages a dialogue between the complainant(s) and respondent(s).

The complainant may request informal resolution through mediation with the respondent conducted by the Title IX Coordinator or Dean of Students, or designee (when the incident involves a Louisburg College student) Mediation are never appropriate in incidents involving sexual violence. Both the complainant and the respondent must agree to participate in the informal mediation, and either party can end the mediation process at any time. Mediation is designed to encourage each person to be honest and direct with the other and to accept personal responsibility where appropriate.

With all informal resolutions, the goal is to facilitate the resolution of the incident to the satisfaction of both persons involved, and to reach an agreement that is binding on both parties. If the complainant and the respondent are satisfied with the outcome of the informal resolution, the matter will be considered resolved. Both the complainant and the respondent have the right to bypass or end the informal resolution process to initiate the *Formal Resolution* process. Any failure to comply with the terms of an informal resolution agreement may result in additional disciplinary action.

Formal resolution: The formal resolution process consists of:

1. Unbiased and fair investigation;
2. Recommendation of violations and outcomes;
3. Title IX Coordinator accepts, rejects, or returns report;
4. Respondent(s) and complainant(s) notified of violations and outcomes;
5. College Review Board assigns sanctions (if there was an outcome of “Responsible” for any Title IX policy violation);
6. Respondent(s) and complainant(s) notified of sanctions.

Note: The respondent and complainant have the right to appeal decisions (see *Procedures for Appeal of a Formal Resolution Decision*)

Unbiased and fair investigation: A formal resolution process begins with the Title IX Coordinator assigning the complaint investigation to a trained Title IX Investigator, typically a member of the Louisburg College staff. This investigation will begin promptly and typically be concluded within thirty (30) days from the date of the complaint, unless extenuating circumstances necessitate a longer time frame. If an investigation cannot be completed in that time, the investigator will communicate in writing to the complainant and the respondent the need for an extended time and an estimated date of completion.

The complainant(s) and respondent(s) will be informed of who has been assigned as the investigator. The assigned investigator is tasked with gathering the facts of the case and documenting the statements of all involved. The investigator will conduct an investigation and make decisions without bias toward the respondent or complainant. The facts of the case and statements made by those involved will be used to determine what was more likely than not to have happened in the incident.

If a complainant or respondent feels the investigator has a conflict of interest and is unable to conduct the investigation and make a recommendation of responsibility in a fair and unbiased manner, the complainant or respondent may submit, in writing, to the Title IX Coordinator the reasons why a conflict exists. This must be received within two business days from the date of notification. If the Title IX Coordinator agrees that a conflict could exist, a new investigator will be assigned. An investigator's prior knowledge of the respondent or complainant does not necessarily mean a conflict of interest exists; a conflict of interest will be deemed to exist if it is believed the investigator cannot conduct the investigation or make decisions in an unbiased or fair manner. If, during the investigation, the complainant or respondent feel the investigator is being biased or unfair, they should inform the Title IX coordinator immediately in writing. The Title IX Coordinator will examine the information, make further inquiries if necessary, and determine if the investigator should be replaced.

During the investigation, the assigned investigator will determine any sources of relevant information necessary to make an informed, unbiased, and fair decision. The investigator will review the initial complaint and notify the respondent(s) of the alleged violations of the Title IX Policy and any other possible policy violations (Student Code of Conduct, Employee Handbook, etc.). The respondent will have the right to know the approximate date(s) and location(s) of the incidents and who is the named complainant. Any requests for information or interviews will be made through College email. The investigator will request that the complainant(s) and respondent(s) provide a list of any individuals who should be interviewed as witnesses to the incident; witnesses should have first-hand knowledge of the incident. The investigator will interview the complainant(s), respondent(s) and all possible witnesses. The investigator may gather additional information that may include, but not limited to: reviewing campus and community law enforcement investigation documents, if applicable; reviewing student and employee files; images/video from security cameras; texts and social media posts; and examining other relevant document and evidence.

The complainant and respondent should share any relevant information and evidence which will assist the investigator..

The investigator will compile all of the information gathered during the investigation. A report will be written stating the agreed upon facts, disputed facts and statements, and evidence gathered. The investigator will notify the complainant(s) and respondent(s) once the report is complete and allow each to review the report, in person and in the presence of the investigator or designated staff member. No recording, copying, or removing of the report will be allowed. The complainant and respondent will each be able to submit written statements to (1) dispute a statement they believe misrepresents what they said, (2) dispute a statement made by another person, or (3) include new or clarifying information. The investigator will review the statements and determine if the report should be altered, corrected, or amended. If the report is altered, corrected, or amended, the respondent and complainant will be able to review the final report. Additional changes will be conducted in a similar manner.

Recommendation of violations and outcomes: Once the investigative report has been completed, the Title IX Investigator will review the Title IX Policies and Student Conduct

Policies or Human Resource Policies and make a recommendation of which policies the respondent may have violated. If the investigator does not believe any policies were violated, a “no findings” recommendation will be made. The investigator shall write a statement giving the reasoning he/she believes it is more likely than not the respondent either violated each of the policies to which a recommendation of “responsible” is being made or that there was “no finding” of responsibility for a violation in the complaint.

Title IX Coordinator accepts, rejects, or returns report: The investigator will submit the investigative report to the Title IX Coordinator with a *recommendation of violations and outcomes* or a *recommendation of “no findings”*. The Title IX Coordinator will either accept the recommendations, reject the recommendations (in full or part), or return the report to the Title IX Investigator with a request for further information/investigations. If the Title IX Coordinator rejects the recommendations, in full or in part, he/she will write a statement as to reasoning of the new outcome (including if a new violation is determined). If the Title IX Coordinator returns the report, he/she will instruct the investigator on what actions he/she wishes the investigator to take and/or what information he/she believes is missing.

Standard of Proof: The basis for a decision of responsibility for violating a policy will be the preponderance of the evidence standard (more likely than not). This means that in order to find the respondent responsible, the Title IX Coordinator must find, based on the evidence presented in the investigative report, that it is more likely than not that the respondent is responsible for the violation(s) as recommended by the investigator.

Respondent(s) and complainant(s) notified of violations and outcomes: Once the recommendations are accepted, the Title IX Coordinator will notify the respondent(s) and complainant(s) of the violations and outcomes via campus email and/or in person. If a responsible finding was made, the complainant and respondent will be notified that the College Review Board will be convened to determine appropriate sanctions for the respondent. The complainant will be notified that that they may submit an impact statement to be considered as part of the sanctioning process. Impact statements are meant to allow the complainant to express how the actions of the respondent have impacted his/her life since the incident. The respondent will be notified that they may submit a mitigating circumstances statement to be considered as part of the sanctioning process. Mitigating circumstances statements are meant to convey circumstances or reasoning behind the respondent’s behavior. Impact and mitigating circumstances statements must be in writing and submitted to the Title IX Coordinator within two business days from the notification of violations and outcomes.

College Review Board assigns sanctions: If there was an outcome of “Responsible” for any Title IX policy violation, the Title IX Coordinator will convene the College Review Board (CRB) within five (5) business days from the notification of the respondent and complainant of the violations and outcomes. The CRB is responsible for assigning appropriate sanctions, conduct status, and/or disciplinary actions (students). Employees with an outcome of “Responsible” will be subject to disciplinary actions as outlined by the employee handbook. The Title IX Coordinator will compile and provide the investigative report (including the violations and outcomes with reasoning statements), any impact statements, and any

mitigating circumstances statements to the members of the CRB. The members of the College Review Board shall be one representative from the faculty appointed by the Provost, the Registrar, and one staff member appointed by the President. The Vice President for Student Life shall serve as a non-voting chair of the Committee. Three committee members are required for a quorum for all meetings. The College Review Board shall consider all documentation and information from all applicable sources in reaching their decision. The College Review Board will not rehear the case or make judgements on if the findings are appropriate substantiated. The Title IX Coordinator and/or designee will be available to provide technical assistance on procedural and policy matters. The Board will receive training on Title IX Policy procedures, sexual harassment, discrimination, and misconduct information/sensitivity, and member responsibilities.

Possible sanctions: A student found responsible for violating a Title IX Policy will be assigned a conduct status and educational sanctions, provided the conduct status is not suspension or expulsion. Conduct statuses include written warning, conduct probation, suspension, and expulsion. Educational sanctions may include, but are not limited to, CHOICES Workshop, Counseling Referral, Educational Workshops, Loss of Privileges, Restorative Justice, and/or Written Reflections. Full descriptions of conduct statuses and educational sanctions are available in the Student Conduct Process section of the Student Handbook.

Employees found responsible for violating a Title IX Policy are subject to any disciplinary action allowed under his/her respective employment documents (i.e. Employee Handbook, Faculty Handbook).

Respondent(s) and complainant(s) notified of sanctions: The Title IX Coordinator shall within two (2) business days notify the complainant, respondent and applicable offices of the CRB's decision via email.

Student Conduct Records

For students, a responsible finding of the any Title IX violations through the formal process will be documented in his/her Student Conduct Record. Student conduct records are maintained in the Office of Student Life for a period of five years. The provisions of the Family Educational Rights and Privacy Act govern accessibility to these records. Student Conduct records are personal and confidential. Students may inspect their records during normal working hours. College officials who have professional justification for such information may also inspect these records. Students should also be aware that institutions to which they may apply typically request a conduct report on potential students to help determine whether or not to admit that student. The college does not provide copies of video or audio recordings of conduct hearings for students.

Conduct Fee: Each student who is found responsible for violating a policy will be assessed a conduct fee in the amount of \$20. It is important to understand that this fee is viewed as a part of the overall sanction and failure to pay the fee will be viewed as a Failure to Comply with

Educational Sanction [see *Student Conduct Policies*]. This fee is to offset administrative costs associated with the student conduct process. Fees assessed to student accounts must be paid in full prior to the release of grades or transcripts. Unpaid fees are subject to collections as allowed by law. Students should note that financial aid *cannot* be used to pay fees assessed due to student conduct action. The Conduct Fee is not grounds for appeal as outlined in the *Procedures for Appeal of a Formal Resolution Decision*.

PROCEDURES FOR APPEAL OF A FORMAL RESOLUTION DECISION

The complainant or the respondent may appeal the outcome of a formal resolution. In order for an appeal to be considered, it must first meet one of the following criteria:

1. Information is now available that was not available at the time of the initial investigation.
2. A procedural error occurred during the formal resolution process.

Dissatisfaction with the outcome of the hearing is not acceptable as the basis for an appeal.

Appeals:

- Must be in writing and submitted via the appellant's campus email account to the Title IX Coordinator (Jason Modlin at jmodlin@louisburg.edu).
- Appellant must file the written appeal within three (3) business days from the date of the notification to the appellant of the conclusion of the formal resolution process. The conclusion of the formal resolution process is marked by either the Title IX Coordinator informing the complainant and respondent that there was no finding of responsibility after the investigation OR the Title IX Coordinator informing the complainant and respondent of the sanctions/status assigned by the College Review Board, whichever comes later.
- Appeals must state the criteria used for the basis of the appeal and provide relevant information/documentation to support the appeal.

Once an appeal has been received:

- The Title IX Coordinator shall review the written appeal to determine if it meets one of the stated criteria for an appeal.
- If the appeal is not based on one of the above criteria, the Title IX Coordinator shall notify the appellant of such and deny the appeal.
- If the appeal meets criteria, the Title IX Coordinator will convene the College Review Board.
 - The members of the College Review Board shall be
 - One representative from the faculty appointed by the Provost
 - The Registrar
 - One staff member appointed by the President
 - The College Review board could elect to have a representative from the Office of Student Life present to present findings from the conduct body.
 - The Vice President for Student Life shall serve as a non-voting chair of the Committee.
 - Three committee members are required for a quorum for all meetings.

- The College Review Board shall meet within ten (10) business days to consider and decide on the appeal.
- The College Review Board shall consider all documentation and information from all applicable sources in reaching their decision.
- The College Review Board will not rehear the case, but will use available information to determine if the appeal has merit.
- A decision to grant an appeal shall be on the basis of a consensus.
- Upon reaching a decision, the Title IX Coordinator shall within two (2) business days notify the student and applicable offices of the decision via email.
- The decision of the College Review Board is final in all cases.