

The policies and procedures stated herein shall control how Albright handles all matters of sexual harassment under Title IX for incidents involving students. These policies and procedures should be interpreted to incorporate any changes needed to make them consistent with Title IX.

A. Definitions of Sexual Harassment, Complainant, Respondent

1. Albright follows 34 C.F.R § 106.30(a)(1)-(3) (effective Aug. 14, 2020) in defining sexual harassment. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

(a) An Albright employee conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct.

(b) 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.

(c) Sexual assault. Sexual assault is an offense classified as a forcible or nonforcible sex offense under either the Summary Reporting System (SRS) or the National Incident-Based Reporting System (NIBRS) of the Uniform Crime Reporting (UCR) system of the Federal Bureau of Investigation (FBI). Per the UCR, examples of sexual assault include, but are not limited to, the following:

- Forcible Rape (Except Statutory Rape): The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.
- Sexual Assault With An Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent
- Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

(d) 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 following factors: (a) The length of the relationship, (b) the type of relationship, and (c) the frequency of interaction between the persons involved in the relationship.

(e) Domestic Violence. Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the 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 of the victim under the domestic or family violence laws of Pennsylvania, 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 Pennsylvania.

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

2. A Complainant is an individual who is alleged to be the target of conduct that could constitute sexual harassment.

3. A Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

B. Filing a Report with the Title IX Coordinator/Compliance Officer or a Deputy Coordinator

Any person may report sexual harassment to the Title IX Coordinator/Compliance Officer or a Deputy Coordinator. These individuals can be reached in person, by mail, by telephone, by email, or by any other means that results in them receiving a verbal or written report. A report can be made at any time of day, including during non-business hours.

Ms. Becki Achey is Albright's Title IX Coordinator/Compliance Officer and can be contacted at:

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Please note that any *reports* made to a Deputy Coordinator are not considered *formal complaints*. As described further below in Section D, formal complaints must be filed with the Title IX Coordinator/Compliance Officer.

Albright requires that its Title IX Coordinator/Compliance Officer and its Deputy Coordinator have no conflict of interest or bias for or against Complainants or Respondents generally, as well no conflict of interest or bias for or against any individual Complainant or Respondent.

C. Supportive Measures

Supportive measures are not punitive, and they are free services that Albright offers to a Complainant or a Respondent before or after the filing of a formal complaint or even without a formal complaint.

Supportive measures may include, but are not limited to: no contact orders, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, changes in work or housing locations and leaves of absence.

Upon notice of allegations of sexual harassment, Albright is committed to treating Complainants and Respondents equitably. Even before the filing of any formal complaint, when the college receives a report of allegations involving sexual harassment, the Title IX Coordinator/Compliance Officer will contact the Complainant to discuss possible supportive measures and the process for filing a formal complaint. Similarly, to treat the Respondent equitably, no disciplinary sanctions or other actions that are not supportive measures will be applied against a Respondent prior to the conclusion of Albright's grievance process.

Also, as applicable, after the filing of a formal complaint, the Title IX Coordinator/Compliance Officer will meet with the Complainant or the Respondent to discuss applicable supportive measures.

D. Filing a Formal Complaint

A Complainant may file a formal complaint only with the Title IX Coordinator/Compliance Officer.

A formal complaint is a document or electronic submission from the Complainant to the Title IX Coordinator/Compliance Officer that 1) alleges sexual harassment against a Respondent(s), 2) requests that Albright investigate the allegation, and 3) includes the Complainant's physical or digital signature or otherwise indicates that the Complainant is the person filing the complaint. When filing a complaint, a Complainant may, but need not, identify a Respondent(s). Please note that there are precise requirements that must be followed to submit a formal complaint, and a failure to follow any of the requirements will result in no formal complaint being filed.

A Complainant may file a formal complaint with the Title IX Coordinator/Compliance Officer in person, by mail, or by electronic mail. Given that a formal complaint must be a document or an electronic submission (such as an email), it is not possible to file a formal complaint with the Title IX Coordinator/Compliance Officer by telephone.

At any time after filing a complaint, a Complainant may notify the Title IX Coordinator/Compliance Officer in writing that they would like to withdraw the complaint or any allegations contained in it.

If the Title IX Coordinator/Compliance Officer has notice of allegations of sexual harassment, the Title IX Coordinator/Compliance Officer may choose to file a formal complaint even if a Complainant chooses not to file one.

E. Written Notice after a Formal Complaint

After a formal complaint is filed, and before any initial interviews, Albright will provide a written notice to the parties who are known.

The written notice will contain:

- An overview of how Albright investigates and adjudicates formal complaints, rights regarding an appeal, and any applicable informal resolution process that may be available.
- Sufficient details surrounding the allegations of sexual harassment. These details will include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
- Notice that the Respondent is presumed not responsible for the alleged conduct until a determination is made at the end of Albright’s grievance process.
- Notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
- Notice of Albright’s provision on Acts of Dishonesty in its Code of Conduct which prohibits the parties from knowingly making false statements or knowingly submitting false information throughout the grievance process.

F. Notice to Appear

Along with the written notice issued after the filing of a formal complaint, both the Complainant and the Respondent will receive a “Notice to Appear.”

The Notice to Appear is delivered by Public Safety and requires the Complainant’s and the Respondent’s signatures.

The Notice to Appear is not an admission of responsibility or an acceptance of the charged violation; it is an acknowledgement and a requirement to attend an Informational Meeting.

No Informational Meeting with the Complainant or Respondent will be scheduled earlier than 7 days (the college is open) after the filing of a formal complaint so that the parties have sufficient time to prepare a response upon receipt of the written notice.

G. Informational Meeting

Informational meetings are scheduled separately with both the Complainant and the Respondent. Informational Meetings are scheduled upon receipt of a Notice to Appear.

No Informational Meeting with the Complainant or Respondent will be scheduled earlier than 7 days (the college is open) after the filing of a formal complaint so that the parties have sufficient time to prepare a response upon receipt of the written notice.

The Title IX Coordinator/Compliance Officer will be present at the informational meeting.

At the informational meeting, there will be discussion of the charges, the notice to appear form, the student's rights, and the procedures. Any applicable supportive measures will also be discussed with the Complainant and the Respondent. At the informational meeting, students will have the opportunity to ask all necessary questions. Family members, friends, and attorneys are not allowed at the informational meeting. If necessary, procedures for administrative and board hearings may also be discussed at the informational meeting.

Informational meetings are MANDATORY. It is the student's responsibility to attend the informational meeting when notified. If the student should encounter difficulties attending the informational meeting, it is the student's responsibility to notify the Office of Community Standards within 24 hours and reschedule the meeting. If a student fails to attend the informational meeting and there have been no known attempts to reschedule, a \$50 failure to comply charge will be assessed.

During the informational meeting, students will be able to review documents pertinent to the charges. The Respondent will have the right to accept, or deny, responsibility for the actions the Complainant alleges. If the Respondent accepts responsibility for their alleged actions the office of community standards will issue an appropriate sanction. The Respondent will sign the charge form indicating that they accept full responsibility for the charges and will be required to fulfill any sanctions imposed for their actions. Students who accept responsibility during the informational meeting waive their rights to an investigation, a hearing, and the appeal process.

If the student does not accept responsibility for violation of the charges, then an administrative or board hearing will be scheduled after Albright completes its Investigative Report.

Student rights include:

- 1) The right to review relevant documents included in his/her disciplinary file.
- 2) A review of the types of hearing (administrative or board) and the formatting of the hearings, which includes the right to call witnesses for both types of hearings.

- 3) If a party does not answer any questions at a hearing, in making its final determination, the Administrative Hearing Chair or the Community Standards Board will not make any inference regarding responsibility based solely on a party or witness's refusal to answer questions.
- 4) The right to an advisor at either an administrative or board hearing. This advisor may be any person of a student's choice, and it may include, but is not limited to, a family member, a friend, a faculty member, or an attorney. Note: Unless the person is an advisor, family members, friends and attorneys are not permitted to sit in on hearing proceedings. See section T. Definitions for more information on the role of the advisor.
- 5) The right not to be subjected to duress or threats or any form of coercion in order to gain an admission of accepting responsibility from the accused student.
- 6) Written communication regarding the outcome of any hearing.
- 7) Meeting to review the outcome of a hearing and the institutional appeal process at the student's request.
- 8) The right to confidentiality during disciplinary proceedings. Information will only be shared within the campus community on a need to know basis and generally in consultation with the student.
- 9) When there is a good cause, students have the right to temporarily delay the grievance process or receive limited extensions. When this occurs, Albright will provide written notice to the Complainant and the Respondent of the delay or extension and the reasons for it.
- 10) Albright will not use questions or evidence that seek the disclosure of information protected under a legally recognized privilege unless a person waives their privilege.
- 11) Throughout the grievance process, Albright will not make credibility determinations based solely on a person's status as a complainant, respondent, or witness.

H. Investigation and Investigative Report

When investigating a formal complaint, Albright bears the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility, and it will consider, objectively, all relevant evidence. Albright also requires that its investigators have no conflict of interest or bias for or against Complainants or Respondents generally, as well as that investigators have no conflict of interest or bias for or against any individual Complainant or Respondent.

Throughout its investigation, Albright will consider, objectively, all relevant evidence, and it will provide both parties an equal opportunity to present witnesses, including fact and expert witnesses, as well as other inculpatory or exculpatory evidence. Moreover, Albright will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

Any party or witness whose participation is invited or expected at any investigative interview or other meeting will be given written notice of the date, time, location, participants, and purpose of interviews or meetings, as well as sufficient time to prepare and to participate in any interviews or meetings.

In conducting its investigation, Albright will develop an Investigative Report.

Prior to the completion of the Investigative Report, the college will send both parties and, if they have any advisors at this time, their advisors *any* evidence the investigators obtained that is directly related to the allegations raised, and the parties will have at least 10 days to submit a written response. The investigators will consider any written responses from the parties before completing the Investigative Report.

Related, at least 10 days prior to a hearing, Albright will send both parties, and if they have any advisors at this time, their advisors an electronic or hardcopy of the final Investigative Report, and the parties will have the opportunity to submit a written response to this evidence.

Finally, any evidence that Albright obtains as a part of its investigation will be available at the hearing so that both parties can inspect it, review it, and refer to it during the hearing. Parties will also be able to inspect, review, and refer to this evidence during the hearing for purposes of cross-examination

I. Administrative Hearing

The administrative hearing is intended to handle serious offenses, repeated offenses and/or offenses that have five or more students involved. A hearing officer, other than the director of community standards, is assigned to an administrative hearing. The hearing officer is also referred to as the chairperson. Albright requires that the chairperson have no conflict of interest or bias for or against Respondents or Complainants generally, or an individual Complainant or Respondent. Albright also requires that the chairperson not be a Title IX investigator(s) or Albright's Title IX Coordinator/Compliance Officer.

At an administrative hearing, the chairperson alone will make all relevancy determinations regarding questions and evidence.

The hearing officer, complainant, respondent(s), witnesses and members of the Office of Community Standards are allowed in the hearing room. Parties have the right to an advisor at an administrative hearing. This advisor may be any person of a student's choice, and it may include, but is not limited to, a family member, a friend, a faculty member, or an attorney. Unless the person is an advisor, family members, friends and attorneys are not permitted to sit in on hearing proceedings.

J. Community Standards Board Hearing

The Community Standards Hearing Board hears very serious incidents and/or cases with numerous student respondents.

Parties have the right to an advisor at a Community Standards Board Hearing. This advisor may be any person of a student's choice, and it may include, but is not limited to, a family member, a friend, a faculty member, or an attorney.

The Community Standards Hearing Board is composed of faculty, staff and administrators. It is vested with the responsibility of resolving matters related to alleged violations of the Student Code of Conduct. Hearing board members are trained specifically on matters that may be brought to board hearings. Training happens regularly once per academic year and then on an ongoing basis as necessary and/or as mandates require.

The purpose of the Board is to be educative by redirecting behavior and increasing student awareness of the behavioral expectations of the Albright College community; however, the Board needs to weigh the rights of the respondent against the welfare of the Albright College community.

Albright College and the policy of the Board require that all hearings before it be completely closed and confidential. The names of all parties in a case, including names of all witnesses, and information, both written and verbal, pertaining to the case, whether pending or completed, must not be revealed to any person other than Board Members responsible for hearing the case or Albright College employees designated in the Student Code of Conduct as participants in the Albright College Student Conduct Process. Members of the various boards or panels are obliged to refrain from discussing cases with anyone other than fellow members. At no time should a board member be involved in the decision-making process when they has a vested interest in the outcome of the case. Any prior knowledge about the case or personal involvement with the reporting party, responding party, or witness that would give cause for the board member to be biased or prejudiced in the decision-making process is sufficient justification for removing oneself from the deliberations. Related, if any board member has any bias for or against Complainants or Respondents generally, then that provides sufficient justification for removing oneself from the deliberations.

It is the responsibility of every member to consider, objectively, all relevant evidence to reach a fair and just decision. The confidential nature of the hearings pertains not only to the testimony presented but also to decisions rendered. The vote of each member is confidential as well and should not be discussed outside the executive session. Decisions of a Board are assumed to be that of the Board as a whole.

Only the public safety director or designee / officer (s), hearing officer, complainant or reporting party, respondents, witnesses, advisors, and members of the Office of Community Standards are allowed in the hearing room. Unless the person is an advisor, family members, friends and attorneys are not permitted to sit in on hearing proceedings. See section T. Definitions for more information on the role of the advisor.

Hearings will be digitally recorded or, at the Chair's discretion, recorded by a court reporter, and parties have a right to inspect and review the digital recording or transcript of the hearing. The Dean of Students Office, as well as the Office of Community Standards, must maintain records for the safety and protection of the college community as a whole. Disciplinary records will be

maintained, including those that result in a finding of “not responsible”. Disciplinary records are expunged seven years after the student’s graduation from Albright College, if all sanctions are completed. Disciplinary records are maintained indefinitely for non-graduates to protect the college community.

K. Board Membership

Each member of the board shall bear equal responsibility for service at the call of the chairperson.

The chairperson is a voting member of the Board. The Chair will guide the hearing along in an orderly fashion, and the Chair will serve as the public spokesperson on behalf of the Board regarding all of the Board’s relevancy determinations. If the chairperson cannot serve for a particular case, they can appoint a temporary chairperson.

Community Standards Hearings may not commence unless a minimum of three Board members are present with at least one representative from each of the two constituency groups. The presence of the Chair counts towards the minimum of the three Board members that must be present. The other two constituency groups that must be represented are:

1) Faculty membership consists of full-time faculty members who complete training. A minimum of one member will be assigned to hear a particular case.

2) Administrative and staff membership consists of administrative/staff members from any administrative division on campus who complete training. A minimum of one administrative/staff member will be assigned to hear a particular case.

In order to avoid tie-votes, all Community Standards Hearings must have an odd number of Board members, and all Board members must vote. The Board will have either three or five members.

Finally, please note that Albright requires that, at a Community Standards Hearing, neither the Chair or any Board Member can be a Title IX investigator(s) or Albright’s Title IX Coordinator/Compliance Officer.

L. Administrative and Board

Hearings Process

1) Hearings will not occur any earlier than 10 days after the completion of the Investigative Report.

2) Hearings will begin exactly on time. Students should notify the Office of Community Standards of any difficulties they may have getting to the hearing at the designated time and place.

- 3) If witnesses are to give statements at the hearing, both the complainant and the respondent must provide a list of witnesses (with contact information for each witness) to the Office of Community Standards no later than 48 hours prior to the scheduled hearing.
- 4) Albright will make recordings or transcripts of all hearings and maintain all records on the file within the Office of Community Standards. Tapes or digital recordings or transcripts may be reviewed by college personnel external to the hearing if the decision is appealed. Albright's recording of the hearing will be available to the parties for their inspection and review.
- 5) Hearings are confidential.
- 6) Any student or group referred to the board must appear at the time set for the hearing. If the student or group or its representative fails to appear without providing a good cause beforehand, the case shall be heard without the person(s) present.
- 7) The complainant, respondent, and witnesses will be administered an oath by the board chair. The giving of false information by a student, faculty member, administrator/staff personnel to the board is a serious matter and will lead to appropriate disciplinary action. All persons appearing before the board shall be informed of this fact.
- 8) A party's advisor may ask any party or any witness, including expert witnesses, all relevant questions, including cross-examination questions.
- 9) There are only two situations where questions and evidence about a Complainant's sexual predisposition or prior sexual behavior are relevant: i) Where the questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, and ii) Where the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove consent. Beyond these two situations, questions about a Complainant's sexual predisposition or prior sexual behavior are not relevant.
- 10) If a party attends a hearing without an advisor, Albright will provide one free of charge.
- 11) At Albright's discretion, any or all parties, witnesses, and other participants may appear at the hearing virtually through technology that enables all participants to simultaneously see and hear each other.
- 12) At the request of either party, Albright will provide for a live hearing to occur with the parties located in separate rooms with technology that enables the decision-maker(s) and parties to hear and see each other.
- 13) At the hearing, both the Complainant and the Respondent will be given the opportunity to challenge the participation of a specific hearing board member on that grounds that a board member has a bias against Complainants or Respondents generally or against the Complainant or Respondent individually.

Procedures

- 1) Call to order by the chairperson, (also referred to as hearing officer).
- 2) Verification of a minimum of three board members declared by the chairperson (for board hearings only), as well as an odd number of board members.
- 3) The Chairperson will read the complaint against the Respondent. After reading the complaint, the Chairperson will remind everyone present that the Respondent is presumed not responsible for the alleged conduct until a determination of responsibility is made at the end of this grievance process. Moreover, the Chair will remind everyone that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on Albright College, not the Respondent or the Complainant. After making these reminders, the Chair will give the Respondent the opportunity to plead “responsible” or “not responsible” for each charge.
- 4) If the Complainant or the Respondent fails to attend the hearing without providing good cause beforehand, the hearing will continue in his/her absence. If the Respondent fails to attend without providing good cause beforehand, the hearing will continue in his/her absence, with the assumption that the student does not accept responsibility.
- 5) At the hearing, each party’s advisor will be permitted to ask the other party and any witnesses all relevant questions, including follow-up questions. Each party’s advisor will also be permitted to cross-examine the other party and the other party’s witnesses.
- 6) Complainant presents case and evidence.
- 7) Complainant’s advisor calls witnesses.
- 8) Respondent’s advisor may question Complainant.
- 9) Respondent’s advisor may cross-examine Complainant’s witnesses.
- 10) Chairperson or Community Standards Board may question Complainant.
- 11) Chairperson or Community Standards Board may question Complainant’s witnesses.
- 12) The Complainant’s advisor will then be given a final opportunity to ask questions of the Complainant or the Complainant’s witnesses. Finally, the Respondent’s advisor will have a final opportunity to conduct cross-examination of the Complainant or the Complainant’s witnesses.
- 13) Respondent student presents case and evidence.
- 14) Respondent’s advisor calls witnesses.
- 15) Complainant’s advisor may question Respondent.

- 16) Complainant’s advisor may cross-examine Respondent’s witnesses.
- 17) Chairperson or Community Standards Board may question Respondent.
- 18) Chairperson or Community Standards Board may question Respondent’s witnesses.
- 19) Respondent’s advisor will then be given a final opportunity to ask questions of the Respondent or the Respondent’s witnesses. Finally, the Complainant’s advisor will have a final opportunity to conduct cross-examination of the Respondent or the Respondent’s witnesses.
- 20) If a party or witness does not answer any questions, in making its final determination, the Chair or the Board will not make any inference regarding responsibility based solely on a party or witness's refusal to answer questions. Similarly, if a party or a witness is absent from the hearing, in making its final determination, the Chair or the Board will not make any inference regarding responsibility based solely on a party or witness's absence.
- 21) If a party of witness does not submit to cross-examination, the Chair or the Board cannot rely on *any* statement of that party of witness in reaching a determination regarding responsibility.
- 22) Summary by Complainant.
- 23) Summary by Respondent.
- 24) The Chairperson excuses all witnesses, advisors, complainant and respondent so that the chairperson or Community Standards Hearing Board can go into deliberations (confidential).
- 25) The Chairperson or Community Standards Hearing Board shall review and evaluate, objectively, all relevant evidence under the standard of “preponderance of the evidence.”
- 26) The Chairperson or Community Standards Hearing Board shall vote on each charge separately “responsible” or “not responsible.”
- 27) Voting shall be by open ballot (board hearings only).
- 28) If the Respondent is found “responsible,” the director of community standards shall report to the chairperson or board any past disciplinary matters and sanctions in the accused student’s file.
- 29) The chairperson or Community Standards Hearing Board shall recommend sanctions within the progressive discipline model.
- 30) Hearing officers have three business days to render their decision and notify the Title IX Coordinator/Compliance Officer.
 - (a) Upon the receipt of the decision, the Title IX Coordinator/Compliance Officer will notify, simultaneously, both parties of its decision, in writing, within two days.

- (b) The Complainant and the Respondent will then meet with the Title IX Coordinator/Compliance Officer if necessary to discuss the results of the case.
- (c) Follow-up meetings may occur if necessary.

M. Written Notification of Hearing Outcomes

The Chair or Community Standards Hearing Board will issue a written determination regarding responsibility. The written determination will be given to both parties simultaneously. It will be given within three business days (days that the college is open) after a hearing. The written determination will include:

- An identification of the allegations that potentially constituted sexual harassment.
- A description of the procedural steps that Albright took starting from the time it received the Complainant's formal complaint and ending with the period at which the Chair or Community Standards Hearing Board reached its determination. This description of the procedural steps that Albright took will include a review of any notifications it made to the parties, interviews that were conducted with parties and witnesses, site visits, methods used to gather other evidence, and a review of hearings held.
- Findings of fact that support the determination reached.
- Conclusions that Albright reached by applying its code of conducts to the facts.
- A statement and an explanation regarding the result reached for each allegation made by a Complainant.
- A determination regarding responsibility.
- A statement regarding any sanctions Albright will impose on the Respondent.
- A discussion regarding whether any of the remedies offered to the Complainant will be provided by Albright.
- An overview of the procedures and permissible reasons for either the Complainant or the Respondent to seek an appeal.

The Title IX Coordinator/Compliance Officer will bear the responsibility for the effective implementation of any remedies that are provided.

If the Respondent is found responsible and a sanction is assessed, the Respondent will be given a deadline for completion.

If the Respondent fails to complete sanctions by the assigned deadline, the Respondent will be found "responsible" for not complying. Consequences may include, but are not limited to:

- 1) Accounts will be held so that students may not register for their next classes and no activity can be made with the account.
- 2) Students who are in their last year will have their diplomas withheld until all outstanding sanctions have been completed.
- 3) Fines
- 4) Removal from housing
- 5) Suspension/expulsion

The Senior Vice President of Student and Campus Life must maintain records for the safety and protection of the college community as a whole. Disciplinary records will be maintained, including those that result in a finding of “not responsible” for a violation through graduation and then will be expunged seven years after a student’s graduation.

Disciplinary records are maintained indefinitely for non-graduates and for students who have not completed their sanctions, to protect the college community.

N. Informal Resolutions

After the filing of a formal complaint, parties are never required to agree to an informal resolution process. However, after the filing of a formal complaint, Albright may explore pursuing an informal resolution. However, an informal resolution will not be pursued in cases involving sexual assault or rape, and it will not be offered to resolve allegations that an employee sexually harassed a student. Moreover, prior to pursuing an informal resolution, both parties must voluntarily agree, in writing, to enter the informal resolution process.

When pursuing an informal resolution, Albright will provide written notice to the parties disclosing:

- The allegations
- The requirements of the informal resolution, including any circumstances under which it precludes a party from resuming a formal complaint arising from the same allegations.

Please note that, prior to agreeing to enter any informal resolution process, both parties have the right, at any time, to withdraw from the informal resolution process and resume the formal investigation and adjudication the commences upon filing a complaint.

O. Sanctions

At times, there may be one or more sanctions imposed if the student is found “responsible.” A student who has the sanction off campus is required to pay for their own travel expenses or any other additional expenses that may occur.

Student Sanctions (listed below and defined in [Student Handbook])

- Warning
- No Contact Order
- Probation
- Required Counseling
- Removal from or Relocation of Housing Assignment
- Suspension
- Expulsion
- Withholding Diploma
- Revocation of Degree
- Organizational Sanctions
- Other Actions

P. Remedies

The Title IX Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further violations. The college will keep interim remedies and actions as private as possible.

These remedies may include, but are not limited to:

- Referral to counseling and health services
- Education to the community
- Altering the housing situation of the responding party or reporting party (resident student or resident employee (or the alleged victim, if desired))
- Exclusion from education or extracurricular activities as may be necessary for the safety and welfare of the reporting party or the campus community
- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.
- A Timely Warning to the College community may be communicated

The College may interim suspend a student, employee or organization pending the completion of investigation and resolution, particularly when in the judgment of the appropriate College Official in consultation with the Title IX Coordinator, the safety or well-being of any member(s)

of the campus community may be jeopardized by the presence on-campus of the responding party or the ongoing activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the opportunity to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The College through the appropriate official has sole discretion to implement or stay an interim suspension under the policy on Equal Opportunity, Harassment and Nondiscrimination, and to determine its conditions and duration. Violation of an interim suspension under this policy is grounds for expulsion (student) or termination (faculty member or employee).

During an interim suspension or administrative leave, a student or employee may be denied access to college housing and/or the college campus/facilities/events. As determined by the appropriate administrative officer, Title IX Coordinator or designee, this restriction can include classes and/or all other college activities or privileges for which the student might otherwise be eligible. At the discretion of the appropriate administrative officer, Title IX Coordinator or designee, alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.

The institution will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures.

Q. Dismissal or Consolidation of Formal Complaints

For purposes of Title IX, Albright must dismiss formal complaints in the following circumstances:

- When the conduct alleged in the formal complainant would not constitute sexual harassment even if proved.
- When the conduct alleged, even if proved, did not occur in Albright's education program or activity.
- When the conduct alleged, even if proved, did not occur against a person in the United States.

For purposes of Title IX, Albright may dismiss formal complaints in the following circumstances:

- When a Complainant notifies the Title IX Coordinator/Compliance Officer in writing that the Complainant would like to withdraw the formal complaint or any allegations in it.
- When the Respondent is no longer enrolled or employed by Albright.

- When specific circumstances prevent Albright from gathering evidence sufficient to reach a determination as to the formal complaint or its allegations.

For purposes of Title IX, when the allegations of sexual harassment arise out of the same facts or circumstances, Albright may consolidate formal complaints:

- That involve allegations of sexual harassment against more than one Respondent.
- That involve allegations of sexual harassment by more than one Complainant against one or more Respondents.
- That involves allegations of sexual harassment by one party against the other party.

R. Appeals

Both a Complainant and a Respondent may appeal a hearing decision. Likewise, students have a right to appeal decisions Albright makes to dismiss a formal complaint.

The student must file a written appeal directly to the Senior Vice President of Student and Campus Life (or designee) within five business days (days that the college is open) of receipt of the decision.

The basis of appeal must meet one of the following criteria: (i) a procedural irregularity that affected the outcome of the matter; (ii) new evidence becomes available that was not reasonable available at the time the determination or dismissal was made that could affect the outcome of the matter; or (iii) the Title IX Coordinator/Compliance Officer, investigator(s), or decision-makers(s) had a conflict of interest or bias against Complainants or Respondents generally or against the individual Complainant or Respondent that affected the outcome of the matter.

When one party makes an appeal, the other party will be notified in writing of the appeal filed. The decision-maker(s) for the appeal will not be the same individual(s) that made a determination regarding responsibility or that decided to dismiss a formal complaint. Likewise, the decision-makers for an appeal will not be the same people that were involved with investigating a case or the Title IX Coordinator/Compliance Officer. Also, the decision-maker for an appeal will not have a conflict of interest or bias against Complainants or Respondents generally or against the individual Complainant or Respondent that affected the outcome of the matter.

On appeal, a written determination will be made that describes the result of the appeal as well as the rationale behind it. Both parties will be notified simultaneously of the appeal decision in writing. The appeal decision is final, but both parties will be given the opportunity to submit a written statement supporting the outcome of the appeal or challenging it.

S. Records

For at least seven years, Albright will maintain records of:

- Each sexual harassment investigation and any determination regarding responsibility.
- The recording or transcript of any administrative or Community Standards Board hearing.
- Sanctions imposed on any Respondent.
- Remedies provided to any Complainant.
- Any appeal regarding a determination of responsibility, as well as the results of the appeal.
- Any informal resolution, as well as the results of any informal resolution.
- All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
- Supportive measures taken in response to a report or formal complaint of sexual harassment.
- Any action in response to a report or formal complaint of sexual harassment.

T. Definitions

Administrative Hearing Officer: Chairperson that makes all relevancy determinations regarding questions and evidence at an Administrative Hearing.

Advisor: An individual who has agreed to assist a Respondent or Complainant during an Administrative or Community Standards Hearing. Parties are entitled to an advisor of their choice, and their advisor may be, but is not required to be, an attorney. At a hearing, a party's advisor questions the other party, witnesses, and conducts cross examination. An advisor may not appear in lieu of the Complainant or Respondent. Unless they are an advisor, attorneys, friends, parents, and family members are not permitted to sit in the hearing room.

Chairperson, or Hearing Officer: For board hearings, the chairperson convenes the board for meetings and hearings. The chairperson is a voting member of the Board. At a hearing, the chair publicly communicates the Board's decisions regarding relevancy determinations. For administrative hearings, the chairperson is the sole hearing officer and the sole person empowered to make all relevancy determinations. If the chairperson cannot serve for a particular case, they can appoint a temporary chairperson.

College Official: Includes any person employed by the college, performing assigned administrative or professional responsibilities.

College Premises: Buildings or grounds owned, leased, operated, controlled or supervised by the college.

Complainant: A Complainant is an individual who is alleged to be the target of conduct that could constitute sexual harassment.

Consent: Written Consent: It is an explicit and verifiable expression of permission. Explicit verbal consent: Saying “yes” to a specific activity.

Evidence (for administrative and board hearings only): Complainants and Respondents may bring evidence or exhibits to the administrative hearing or board hearing. The administrative hearing officer and the Community Standards Hearing Board will consider, objectively, all relevant evidence when deliberating a case.

Hearings: College hearings are not criminal or civil proceedings. They are processes administered by the college to find whether a student violated a college policy. The information gathered to find the student “responsible” or “not responsible” is based on the preponderance of evidence standard.

Informational Meeting: Meeting to discuss incident, hearing procedure and appeals procedure, and to answer any questions the Complainant or the Respondent may have.

Preponderance of the Evidence: Standard of proof used to determine responsibility for charges. The standard asks is it more likely than not, based on the evidence and documentation presented, that the policy violation occurred.

Public Areas: Outside the residential hall room or within the room with the door open, includes lobby, main lounge, restroom, etc. Any area open to the public on the Albright College campus or at branch campus locations.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Student: Includes all persons taking courses at Albright College, both full-time and part-time, degree-seeking or non-degree-seeking.

Witnesses (for administrative and board hearings only): A witness is anyone who was present during the incident, observed the policy violation, or has direct knowledge of the incident. The list of witnesses must be submitted to the Office of Community Standards 48 hours prior to hearing.