

Purpose of this document: This document shall serve as the faculty endorsed policy dealing with all harassment and abuse incidents (including Title IX complaints) that may involve a faculty member. This is meant to replace the procedure set forth in Appendix B of the Faculty Handbook. Appendix B should be removed from the Faculty Handbook and in its place a notation should refer all clarifications for Harassment and Abuse matters to the Albright College Policies Webpage, where the document below will reside along with a designation of the date when the policy was endorsed by the Albright Faculty. Additionally, any change to this policy must show faculty endorsement of those changes and the date on which the change was made.

The policies and procedures stated herein shall control how Albright handles all matters of sexual harassment under Title IX for incidents involving faculty. These policies and procedures should be interpreted to incorporate any changes needed to make them consistent with Title IX. Additionally, the procedure outlined below will also be used for incidents involving any non-Title IX harassment or abuse.

A. Definitions of Sexual Harassment, Abuse, Non-Sexual Harassment, Complainant, Respondent, and Teaching Faculty

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.

Sexual Harassment, if proven, is quite serious, and a single incident may be grounds for Termination or Dismissal for Adequate Cause as described in Section VII.B.8 of the Faculty Handbook.

2. Abuse is defined as verbal or physical conduct which has the intent or effect of unreasonably interfering with an individual's or group's educational and/or work performance at Albright, or creating an intimidating, hostile, or offensive educational and work environment on or off campus.

3. Non-sexual harassment is defined as a pattern of abusive behavior over a period of time. Harassment on the basis of race, color, religion, national origin, sexual orientation, or disability includes abuse of an individual in terms of a stereotyped group characteristic, or because of that person's identification with a particular group. Such behavior undermines the atmosphere of trust essential to the academic enterprise and represents a failure of professional ethics.

Non-sexual harassment or generally abusive behavior includes, but is not limited to, the following:

- Differential treatment on the basis of sexual orientation, religion, or ablebodiedness;

- Behavior or generalized remarks that belittle or demean another's race, color, religion, national origin, or sexual orientation;
- A pattern of proven false accusations or insulting expressions;
- A pattern of unprofessional statements and conduct, in opposition to the AAUP standards of professional responsibility as quoted in the Handbook under Academic Freedom and Responsibility ("When he/she speaks, he/she should at all times be accurate, should exercise proper restraint, should show respect for the opinions of others and should make every effort to indicate that he/she is not a College spokesperson");
- A pattern of insulting and intimidating remarks which interfere with the academic freedom of others.

4. A Complainant is an individual who is alleged to be the target of conduct that could constitute sexual harassment, abuse, or non-sexual harassment.

5. A Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, abuse, or non-sexual harassment.

6. Teaching Faculty: For the purposes of this section, the phrase "Teaching Faculty" shall include any person in the full or part-time employ of the College who is responsible for teaching one or more courses carrying academic credit notwithstanding the course units and credit hours constraints used to define this phrase for Part-time Faculty in IV.C.2. of the Albright College Faculty Handbook.

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

Any person may report sexual harassment, abuse, or non-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. Additionally, any person can make an anonymous report via the Albright College website here.

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

Becki Achey
Acting Dean of Students, Albright College
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610-921-7663
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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 Deputy Coordinator and its Title IX Coordinator/Compliance Officer 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.

If the Complainant reasonably believes the Title IX Coordinator has a conflict of interest, or bias, the Title IX Coordinator will assign the matter to another trained investigator, who shall serve as temporary Title IX officer for the case.

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 complainant or even without a formal complaint.

Supportive measures may include, but are not limited to: no contact orders, counseling through the Employee Assistance Program (EAP) Inroads, modifications of work schedules, changes in work locations and voluntary leaves of absence.

Upon notice of allegations of sexual harassment, abuse, or non-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, abuse, or non-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.

If, prior to filing a formal complaint, a Complainant made a report to the Deputy Coordinator, the Complainant may seek the Deputy Coordinator's assistance in filing a formal complaint 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, abuse, or non-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 these 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, abuse, or non-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. In accord with Title IX regulations, however, informal resolutions are not available in cases where a faculty member is alleged to have sexually harassed a student.
- Sufficient details surrounding the allegations of sexual harassment, abuse, or non-sexual harassment. These details will include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, abuse, or non-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.

- When applicable to any party, Albright will provide notice of Albright's provision on Acts of Dishonesty in its Code of Conduct in the Compass Student Handbook. When applicable to a party, the provision prohibits that party from knowingly making false statements or knowingly submitting false information throughout the grievance process.

F. Informational Meeting

After the filing of a formal complaint, an informational meeting will be scheduled separately with both the Complainant and the Respondent.

No informational meeting with the Complainant or Respondent will be scheduled earlier than 7 days (the college is open) after the receipt of written notice of 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. The purpose of the informational meeting is to discuss the allegations in the complaint, the Complainant's and Respondent's rights, the procedures involved in the investigation and hearing triggered by the filing of a formal complaint, and any applicable informal resolution processes. Any applicable supportive measures will also be discussed with the Complainant and the Respondent as well. At the informational meeting, the parties will also have the opportunity to ask all necessary questions.

Other than an Advisor, family members, friends, and attorneys are not allowed at the informational meeting.

During the informational meeting, the Respondent will be able to review any 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, the Respondent will sign the charge form indicating that he/she accepts full responsibility for the charges and waives his/her rights to an investigation and a hearing. However, the Respondent may appeal the sanctions as outlined below.

If the Respondent does not accept responsibility for the charges, then a hearing will be scheduled after Albright completes its Investigative Report.

Throughout the grievance process, the rights of the Complainant and Respondent include:

- 1) The right to review relevant documents Albright acquires as a part of its investigation.
- 2) A review of the format of the hearing, which includes the right to call witnesses.
- 3) If a party does not answer any questions at a hearing, in making its final determination, the Harassment and Abuse Hearing Committee 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 a hearing. This advisor may be any person of the party'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. If either party desires an advisor but cannot arrange for one, the College will appoint an advisor at no cost to the party. The request for an advisor shall be made at least 48 hours prior to the hearing.

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 party.

6) Written communication regarding the outcome of any hearing.

7) Meeting to review the outcome of a hearing and the institutional appeal process at either party'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 any party.

9) When there is a good cause, parties 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.

G. Investigation and Investigative Report

1. Structure of Investigative Committee

For a complaint that involves at least one member of the Teaching Faculty, the structure of the investigative committee will be the same.

Each investigative committee will consist of the Title IX Coordinator/Compliance Officer and a Faculty Representative. The Faculty Representative will be appointed by the Senior Academic Officer/Provost annually from the Community Standards Board.

2. Investigative Process

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.

H. Harassment and Abuse Hearing

1. Structure of Harassment and Abuse Hearing Committee

For a complaint that involves at least one member of the Teaching Faculty, the structure of the Harassment and Abuse Hearing Committee will be the same.

Each committee will consist of three members. The Director of Human Resources will serve as the committee Chair. Two full-time faculty members with at least 6 years of service at the College will also serve on the committee. Two faculty members and an alternate faculty member will serve on the committee and will be elected by the Faculty. Initially, one of the two faculty full-time members and the alternate will be elected to serve a 3-year term, and the other faculty member will be elected to serve a 2-year term. After these initial elections, the full-time faculty members that serve on the committee will rotate by election every 3 years. If one of the faculty committee members has a conflict of interest or is unable to serve, the alternate will then serve in his or her place. Should both members be unable to serve, the Faculty Executive Council will provide a faculty member in their place.

Albright requires that no member of the committee have a conflict of interest or bias for or against Respondents or Complainants generally or an individual Complainant or Respondent. Also, Albright requires that, at a Harassment and Abuse Hearing, neither the Chair or any committee member can be a Title IX investigator(s) or Albright's Title IX Coordinator/Compliance Officer. If there is a conflict of interest, the Senior Vice President of Student and Campus Life will appoint an individual to replace the conflicted individual.

At the hearing, the Chair will guide the hearing along in an orderly fashion, and the Chair will serve as the public spokesperson on behalf of the committee regarding all of its relevancy determinations. If the chairperson cannot serve for a particular case, he or she can appoint a temporary chairperson.

In reaching a final determination of responsibility, it is the obligation of every member of the committee 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. The vote of each member is confidential as well and should not be discussed outside the executive session. Decisions of the committee are assumed to be that of the committee as a whole.

Each member of the Harassment and Abuse Hearing Committee, including the Chair, will have voting-power to render an ultimate decision on the matter before it. Each member of the Committee, including the Chair, must vote so that there are no tie-votes.

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

Albright does require that all Harassment and Abuse Hearings be completely closed and confidential. Unless the person is an advisor, family members, friends and attorneys are not permitted to sit in on hearing proceedings.

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 any digital recording or transcript of the hearing.

2. Process for Harassment and Abuse Hearing Committee

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

2) Hearings will begin exactly on time. Parties should notify the Director of Human Resources, who serves as committee chair, 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 Director of Human Resources no later than 48 hours prior to the scheduled hearing.
- 4) Albright will make a recording or transcript of all hearings. Tapes or digital recordings or transcripts may be reviewed by college personnel external to the hearing if the decision is appealed. Albright's recording or transcript of the hearing will be available to the parties for their inspection and review.
- 5) Hearings are confidential.
- 6) Any person referred to the Harassment and Abuse Hearing Committee must appear at the time set for the hearing. If the person or his/her 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 committee 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 committee 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 then 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 committee member on that grounds that a committee member has a bias against Complainants or Respondents generally or against the Complainant or Respondent individually. If this occurs, then the alternate faculty member for the hearing committee will assume the role of the challenged committee faculty member or

another individual for the Chair will be appointed by the Senior Vice President of Student and Campus Life.

3. Procedures for Harassment and Abuse Hearing

- 1) Call to order by the Chairperson.
- 2) Verification of necessary committee members present.
- 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 Respondent 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 and/or advisor presents case and evidence.
- 7) Complainant and/or advisor calls witnesses.
- 8) The Respondent’s Advisor may question Complainant.
- 9) Respondent and/or advisor may cross-examine Complainant’s witnesses.
- 10) Harassment and Abuse Hearing Committee may question Complainant.
- 11) Harassment and Abuse Hearing Committee 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 and/or advisor presents case and evidence.
- 14) Respondent and/or advisor calls witnesses.

- 15) The Complainant's Advisor may question Respondent.
- 16) Complainant and/or advisor may cross-examine Respondent's witnesses.
- 17) Harassment and Abuse Hearing Committee may question Respondent.
- 18) Harassment and Abuse Hearing Committee 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 Harassment and Abuse Hearing Committee 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 Harassment and Abuse Hearing Committee will not make any inference regarding responsibility based solely on a party or witness's absence.
- 21) If a party or witness does not submit to cross-examination, the Harassment and Abuse Hearing Committee cannot rely on *any* statement of that party or 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 Harassment and Abuse Hearing Committee can go into deliberations (confidential).
- 25) The Harassment and Abuse Hearing Committee shall review and evaluate, objectively, all relevant evidence under the standard of "preponderance of the evidence."
- 26) The Harassment and Abuse Hearing Committee shall vote on each charge separately "responsible" or "not responsible."
- 27) Voting shall be by open ballot.
- 28) If the Respondent is a faculty member and found "responsible," then the Chair of the Committee (the Director of HR) shall review any past disciplinary matters and sanctions in the Respondent's file and report to the rest of the committee. At that time, the committee will decide the recommended sanction/s.
- 29) When the Respondent is a faculty member, the recommendation of the committee will go to the Provost/Chief Academic Officer and the Title IX Coordinator/Compliance Officer with recommended sanctions. The Provost will then render the final decision.

30) The Harassment and Abuse Hearing Committee has three business days to render their decision and notify the Title IX Coordinator/Compliance Officer. Upon the receipt of the decision, the Title IX Coordinator/Compliance Officer will notify, simultaneously, both parties of its decision, in writing, within two business days. The Complainant and the Respondent will then meet with the Title IX Coordinator/Compliance Officer if necessary, to discuss the results of the case. Follow-up meetings may occur if necessary. All business days are considered days that the College is open.

I. Written Notification of Hearing Outcomes

The Harassment and Abuse Hearing Committee will issue a written determination regarding responsibility. The written determination will be given to both parties simultaneously.

The written determination will include:

- An identification of the allegations that potentially constituted sexual harassment, abuse, or non-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 Harassment and Abuse Hearing Committee 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.

J. Informal Resolutions

For grievances involving allegations of abuse or non-sexual harassment, Albright College, at its discretion, may pursue an informal resolution process even before the filing of a formal complaint.

When it comes to grievances involving allegations of sexual harassment, in accord with Title IX regulations, only *after* the filing of a formal complaint will Albright explore pursuing an informal resolution. Moreover, with regard to allegations of sexual harassment, an informal resolution will not be pursued in cases involving sexual assault or rape, and, in accord with Title IX regulations, it will not be offered to resolve allegations that a faculty member sexually harassed a student.

Prior to pursuing an informal resolution, both parties must voluntarily agree, in writing, to enter the informal resolution process. Moreover, after the filing of a formal complaint, parties are never required to agree to an 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 that commences upon filing a complaint.

K. Sanctions

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

Faculty Sanctions may include, but are not limited to:

- Warning – Verbal or Written
- Apology Notification
- Performance Improvement Plan (PIP)
- Required Counseling
- Required Training or Education
- Removal from a Leadership Position (Temporary or Permanent)
- Loss of Annual Pay Increase
- Suspension with Pay
- Suspension without Pay
- Termination and if applicable, Revocation of Tenure

Sanctioning for Sexual Misconduct

- Any person found responsible for violating the Non-Consensual Sexual Contact policy (where no intercourse has occurred) may receive a sanction ranging from probation to expulsion (student), disciplinary action to termination (faculty member or employee), depending on the severity of the incident, and taking into account any previous disciplinary violations.*
- Any person found responsible for violating the Non-Consensual Sexual Intercourse policy may face a recommended sanction of suspension or expulsion (student) or suspension or termination (faculty member or employee).*
- Any person found responsible for violating the Sexual Exploitation or Sexual Harassment policies may receive a recommended sanction ranging from warning to expulsion (student) or termination (faculty member or employee), depending on the severity of the incident, and taking into account any previous disciplinary violations.*

* The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification, as described by the hearing board, exists to do so.

L. Remedies

The Title IX Coordinator/Compliance Officer (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))
- 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
- Suspension of Advising of Students (both academic and extracurricular)

- Temporary removal of leadership positions (defined or until conflict is resolved)

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/Compliance Officer, 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/Compliance Officer 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/Compliance Officer 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/Compliance Officer 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.

M. Dismissal or Consolidation of Formal Complaints

For purposes of Title IX, Albright must dismiss formal complaints involving allegations of sexual harassment 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 involving allegations of sexual harassment 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.

N. Appeals

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

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 reasonably 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-maker(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-maker(s) 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(s) for an appeal will not have a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent that affected the outcome of the matter.

Parties must file a written appeal directly to the Office of the Provost and Senior Vice President for Academic Affairs within five Business days of receipt of the decision. In turn, the Faculty Appeals Committee will hear the appeal and make a recommendation to the President of the College. The President of the College will render the final decision of the appeal.

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.

O. Records

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

- Each sexual harassment, abuse, and non-sexual harassment investigation and any determination regarding responsibility.
- The recording or transcript of any 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, abuse, or non-sexual harassment.
- Any action in response to a report or formal complaint of sexual harassment, abuse, or non-sexual harassment.

P. Process for Extraordinary Grievance Processes

In the event of an extraordinary grievance process not contemplated here, the Vice President of Finance shall alter these policies and procedures as needed to ensure that Albright complies with all Title IX requirements. For instance, if the Director of Human Resources or the Provost and Senior Vice President for Academic Affairs is either the Complainant or the Respondent in a case, the Senior Vice President of Student and Campus Life shall designate alternative individuals to fulfill the roles described herein for such individuals.

Q. Definitions

Advisor: An individual who has agreed to assist a Respondent or Complainant during a Harassment and Abuse Hearing Committee. 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.

Business Days: Business days are considered days in which the College is open.

Chairperson: For Harassment and Abuse Hearing Committee hearings, the chairperson convenes the hearing. The chairperson is a voting member of the committee. At a hearing, the chair publicly communicates the committee's decisions regarding relevancy determinations. If the chairperson cannot serve for a particular case, he/she 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, abuse, or non-sexual harassment.

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

Evidence: Complainants and Respondents may bring evidence or exhibits to the hearing. The Harassment and Abuse Hearing Committee 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 party violated a college policy. The information gathered to find the party "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, abuse, or non-sexual harassment.

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

Teaching Faculty: Teaching Faculty include any person in the full or part-time employ of the College who is responsible for teaching one or more courses carrying academic credit notwithstanding the course units and credit hours constraints used to define this phrase for Part-time Faculty in IV.C.2. of the Albright College Faculty Handbook.

Witnesses: 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 Director of Human Resources 48 hours prior to hearing.