

Notice of non-discrimination

Hendrix College strives to maintain an environment free from discrimination and harassment, where employees treat each other with respect, dignity and courtesy. The College adheres to the principle of equal educational and employment opportunity without regard to age, race, color, gender, disability, religion, sexual orientation, gender identity or expression, genetic information, or national origin.

Title IX Staff

Title IX Coordinator: Shawn Goicoechea, goicoechea@hendrix.edu,

Human Resources, 1545 Washington Ave, 501-450-1415

Title IX Investigator & Education Coordinator: Dr. Allison Vetter, vetter@hendrix.edu, SLTC 150

Title IX Deputies: Vicki Lynn, VP of Human Resources; Dr. Terri Bonebright, Provost of the College; Jim Wiltgen, Dean of Students; Kesha Baoua, Associate Dean of Students and Director of Student Rights and Responsibilities; Amy Weaver, Director of Athletics

Gender-based Misconduct Policy

Gender-based Misconduct Policy Overview

Upon notice of alleged gender-based misconduct, the College will consider this violation under the Gender-based misconduct policy (GBM) prior to any other campus policy. This policy will apply to any cases of Gender-based Misconduct in which an employee is the respondent. For any case in which a student is the respondent please refer to the process and procedures outlined in the student handbook.

All members of the College community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Upon notice of gender-based discrimination or sexual misconduct as described by this policy, protective and other remedial measures will be taken, as appropriate, to end the conduct, remedy the effects on individuals and the Hendrix community, and prevent recurrence. Remedies include serious disciplinary action, up to and including termination, when a responding party is found to have violated this policy. The Hendrix College Gender-Based Misconduct Policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define College community expectations and to establish a mechanism for determining when those expectations have been violated.

The College encourages any individual who has been subject to non-consensual sexual contact of any kind or harassment to report that to the College. To provide sensitive personal information to as few people as possible during the reporting process it is recommended that employees report incidents to Shawn Goicoechea, Title IX Coordinator and Assistant Director of Human Resources, at 501-450-1415. A

conversation with a Title IX official does not require an individual proceed with the formal investigative process outlined below, however the determination as to whether to proceed with an investigation and potential disciplinary action against an individual ultimately lies with the College and campus safety may require the institution to proceed regardless of a reporting party's desire to participate in the process. The College is committed to the preservation of the rights of both the reporting party and the person in question, including the right to confidentiality insofar as legal requirements and issues of individual and community safety allow, the right to the presumption of innocence, and the right to a fair and timely adjudication process.

Any allegation of misconduct that, if true, is determined to represent a potential violation of this policy will be investigated in accordance with this policy. The Title IX Coordinator or Title IX Investigator will complete the investigation. For cases in which the employee is the respondent the decision makers will be the Vice President of Human Resources and one Title IX Deputy to be determined by the Vice President of Human Resources or Title IX Coordinator.

In the event that the Title IX Coordinator determines that an allegation does not represent a policy violation complaint involving employees will be handled through normal HR procedures, and faculty may consult the Faculty Handbook for grievance procedures to determine appropriate pathway for resolution.

Gender-based Misconduct Charges

Gender-based Misconduct Offenses include, but are not limited to:

1. Sexual Harassment
2. Non-Consensual Sexual Intercourse (or attempts to commit same)
3. Non-Consensual Sexual Contact (or attempts to commit same)
4. Sexual Exploitation

1. Sexual harassment is:

- Unwelcome,
- Sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct

Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

Types of Sexual Harassment:

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
- unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's educational and/or employment, social and/or residential program.

Quid Pro Quo Harassment is:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- By a person having power or authority over another constitutes sexual harassment when:
 - Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development, or performance.
 - This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational or employment program.

2. Non-Consensual Sexual Intercourse is

- any sexual intercourse (anal, oral, or vaginal),
- however slight,
- with any object,
- by a person upon a person,
- that is without consent as defined by this Policy.

By way of example, this includes:

vaginal or anal penetration by a penis, object, tongue or finger, and oral penetration or mouth to genital contact, no matter how slight the penetration or contact.

3. Non-Consensual Sexual Contact is

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon a person,
- that is without consent and/or by force.

Sexual Contact includes:

Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts

4. Sexual Exploitation is:

- Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other gender-based misconduct offenses. Examples of sexual exploitation include, but are not limited to:
 - Invasion of sexual privacy;
 - Offering another person for sexual activity for purpose of benefiting oneself;
 - Non-consensual digital, video or audio recording of nudity or sexual activity;

- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- Engaging in voyeurism;
- Going beyond the boundaries of consent with respect to viewing, recording or transmission (such as letting your friend hide in the closet to watch you having consensual sex);
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation
- Removing a condom during sex without the consent of the partner, or "stealthing"

Relationship Violence Offenses

1. Dating Violence
2. Domestic Violence
3. Stalking

Relationship Violence Charges

1. Dating Violence

- Violence committed by a person who is or has been in a social relationship of a romantic nature with the victim. Dating violence includes sexual or physical abuse or the threat of such abuse.
 - The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

2. Domestic Violence

- Violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child, or a person cohabitating with the victim.

3. Stalking

- A course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to either fear for his or her safety or the safety of others or suffer substantial emotional distress.

Stalking is the repeated following, watching or harassing of a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others, or (b) suffer substantial emotional distress.

Other relevant definitions:

Consent is:

clear,
ongoing,
knowing, and
voluntary
words or actions,
that give permission for specific sexual activity.

- Consent is active, not passive.
- Silence, in and of itself, cannot be interpreted as consent.
- Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent between those same individuals to future sexual acts.
- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated. If there is any question about whether consent still exists, the individuals should clarify that consent still exists.
- In order to give consent, one must be at least 16 years old.
- Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy. The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent ("Have sex with me or I'll hit you. Okay, don't hit me, I'll do what you want.").

Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want it to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is determined by evaluating the combined effect of the frequency, intensity, duration, and pressure applied. Additionally, isolation of parties at the time of incident in question will be considered as a contextual factor.

Duress means a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person of ordinary sensitivity to do or submit to something that he or she would not otherwise do or submit to. When deciding whether the act was accomplished by duress, all the circumstances, including the age of the impacted party and his or her relationship to the responding party, are relevant factors.

Menace means a threat, statement, or act showing intent to injure someone.

NOTE: There is no requirement for a party to resist the sexual advance or request, but resistance is typically an indication of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

Reporting and Investigation Procedures

How to report gender-based misconduct or discrimination:

Employees are encouraged to report gender-based misconduct, or their suspicion it may have occurred, to the Assistant Director of Human Resources and Title IX Coordinator, Shawn Goicoechea at 501-450-1415.

A report may be made by an individual who is the subject of alleged misconduct, or any member of the campus community that is aware of misconduct.

Discussing potential misconduct, asking questions, seeking support or interim measures does not automatically initiate an investigation into the alleged misconduct. It is at the discretion of the Title IX Coordinator as to whether a formal investigation must occur.

Except as specified below, all faculty, adjunct instructor or administrative staff (including coaches) at Hendrix College are mandatory reporters and required to immediately notify the Title IX Coordinator, Investigator or Deputies of actual or suspected gender/sex discrimination or gender-based misconduct including any report they receive. As such these individuals should be prepared to explain their reporting obligations prior to receiving any information that is required to be disclosed.

Some resources/individuals on campus are not required to provide information to Title IX officials and are therefore considered anonymous resources. Anonymous resources for support are:

- On-campus licensed professional, counselors and staff (Student Counseling services)
- On-campus health service providers and staff (Student Health Services)
- Campus Chaplain

Initial report and notification of allegations

Any member of the community who believes they have experienced discrimination or misconduct that violates Hendrix College policy should report that conduct to the Title IX Investigator, Coordinator, or Title IX Deputies listed in this policy. All reports of discrimination or misconduct will be investigated in a manner that is prompt, thorough, equitable to all parties involved, impartial and fair.

The Title IX Investigator or assigned Deputy who receives the initial report will review the information collected with the Title IX Coordinator and determine if a policy

violation is alleged to have occurred. The wishes of the party who has been the subject of misconduct or discrimination ("complainant") will be considered before proceeding with a formal investigation and conduct process, however it is ultimately the discretion of the Title IX Coordinator as to whether or not the College will proceed with the process outlined here. The College may determine, when considering the safety of the community, that it is necessary to proceed against the wishes or without the participation of the complainant.

The next step will be for each party to have an individual initial meeting. The complainant and respondent have the right to an advisor at the initial meeting and thereafter. The purpose of an initial meeting with the complainant and the respondent is to provide individuals will have the opportunity to discuss the investigative process, request interim measures to ensure access to educational programs during the process, learn about support resources, and otherwise ask questions of the Title IX representative without providing a statement for the investigation.

If a party elects to provide a statement about the alleged incident during the initial meeting that statement may be recorded. In general, any information provided about the alleged incident to a College employee not listed as an anonymous resource may be included in the investigative packet.

In cases in which a report provided to the College where a definition of prohibited conduct is alleged to have occurred, the responding party will be contacted to meet with the investigator assigned to the case and receive a notice of allegations.-This is considered the initial meeting between the investigator and the responding party and the respondent is not required to make a statement of any kind during this meeting, though they have the option to do so should the desire.

After initial interviews with complainants and respondents the Investigator will work with appropriate College officials to enact any interim measures deemed reasonable and necessary, assist employees or students in accessing support resources as needed, and determine if a formal investigation will proceed.

If so desired, and the College determines that it is appropriate, a complainant and respondent may both agree to enter into a process of informal resolution mediated by the Title IX Coordinator, Vice President of Human Resources, or other deputy. If parties elect the informal process no formal process may be pursued. The ability to enter into an informal resolution is at the discretion of the Title IX Coordinator and may not be appropriate for more severe charges such as non-consensual sexual intercourse. Informal resolutions may still result in disciplinary action, determined in coordination with the Vice President of Human Resources.

A respondent has the right to be heard and defend themselves against allegations by participating in an investigation. Should a respondent choose, they may also accept responsibility for allegation at any time during the process at which time the available information, along with any final statements from either party, will be submitted to the Vice President of Human Resources for determining appropriate disciplinary action.

Investigation

An initial evidence packet will be compiled by the investigator in every case. This will include preliminary evidence including the statements of complainants and respondents, witness interviews, material evidence or information submitted by either party (eg. text messages, social media posts, images, etc). The initial evidence packet will be used to determine which policy violation, if any, has occurred.

Written notice will be provided to both party's relevant information about the timeline for next steps. After written notice has been provided, both parties will be contacted by the investigator to provide access to the initial evidence packet.

Upon reviewing the initial evidence packet both the respondent and complainant may submit additional evidence, including witnesses and documents or additional statements.

Complainants and respondents will have four business days to review the evidence packet to submit further information to the investigator. Once the period for submitting evidence, which will be stated in the written notice of policy violation, has ended the information will be compiled and provided to both parties as an investigative packet. At this time no additional evidence may be submitted to the packet unless it was unknown or unavailable and could not have been known or available at the time of the submission period.

Responding to the Charge

For each alleged policy violation, an employee will be asked to enter a statement of Responsible or Not Responsible.

Responsible Statements

If the employee in question accepts responsibility in a gender-based misconduct case, the employee may provide a statement to the Vice President of Human Resources, or Provost, to determine an appropriate sanction.

By accepting responsibility, the employee in question is waiving his or her right to appeal any procedural matters or on the basis of newly discovered evidence. However, either party may appeal based on severity of sanctions.

Not Responsible Statements

If the responding employee does not accept responsibility a thorough investigation will proceed to provide College officials determining responsibility and disciplinary action, where appropriate, with all available and relevant information possible. From this point on the employee in question is assumed not-responsible concerning the policy violations which have been leveled against him or her. It is the responsibility of the College to collect evidence.

Questioning Phase

At this time the respondent and complainant may submit questions to the investigator to be asked of the other party or witnesses.

The investigator will review questions for relevance and notify the submitting party if any question is deemed not relevant. See evidentiary standards, character witnesses and past sexual history information in subsequent policy sections for more information on relevant questions.

Questions will be administered by the investigator in a timely manner and responses will be transcribed. Investigators may ask follow-up questions of their own as they see fit to ensure thoroughness.

Responses will be added to an updated investigative packet which will be provided to all parties for review.

Completed Investigative Packet & Final Statements

A complete investigative packet will be provided to the complainant, respondent and decision makers. The packet will include, but is not limited to:

- Initial statements (transcribed) by both parties
- Transcription of interviews of all witnesses deemed to have provided relevant information. Information not meeting evidentiary standards will be redacted.
- Any additional statements
- Evidence deemed relevant by investigator including, but not limited to: text messages, images, other communications, etc.
- Transcription from questioning conducted by investigator on behalf of complainant and respondent.
- Investigator synthesis of relevant evidence, timeline notes (where appropriate) and credibility assessments

Both complainant and respondent may submit a final statement within 2 business days of being provided the final investigative packet. Final statements will be promptly made available to the decision makers.

Closed Deliberation

The Vice President of Human Resources and their selected Title IX Deputy (the decision makers) will be given 5 working days from the deadline for submission of closing statements to deliberate and issue, in writing to both parties, an outcome letter including finding of responsibility for all charges. If the respondent is found responsible notice of disciplinary action will also be sent in writing.

Decision makers will determine responsibility for each charge and will base each determination on the preponderance of the evidence, whether it is more likely than not that the alleged conduct occurred and if so, whether it constituted a policy violation.

Complainant and respondent will both be notified of the finding within two working days of a decision being reached. Notification will be sent to both parties simultaneously and in writing. Responsibility will be stated for each charge.

Gender-based Misconduct Process Appeal

Grounds for Appeal. Both the complainant and the respondent have a right to appeal the finding(s). A written request for appeal must be submitted to the Title IX Coordinator (Shawn Goicoechea, goicoechea@hendrix.edu) within three (3) business days after a conduct decision is rendered. A request for appeal must be based on one of the following reasons:

- a. New information exists, unavailable during the original deliberation, that could be outcome determinative;
- b. A material deviation from written procedures could have impacted the fairness of the process or review;
- c. The discipline is grossly disproportionate to the severity of the offense.

Process Review

The Title IX Coordinator will, within three (3) business days after receiving the request for appeal, determine whether the petition meets at least one of the three grounds for an appeal. The Title IX Coordinator may:

- a. deny the appeal if it does not meet one of the grounds;
- b. refer the complaint back to the decision makers for re-opening of the deliberation to allow reconsideration in light of whichever of the three ground(s) the appeal is granted upon.

In the event the Title IX Coordinator is unable to process the appeal, then another Title IX Deputy will process the appeal using the same guidelines. If the Title IX Coordinator or other assigned deputy is unable to provide a response to the appeal request within three days, then that official will contact both parties in writing within three days of receiving the request to provide an updated timeline for determining the status of the appeal.

Scope of Response of original decision makers. An appeal may be referred to the original decision makers or, at the discretion of the Title IX Coordinator, new decision makers may be assigned the appeal. The assigned individual may take the following action:

- a. Uphold their original decision.
- b. Increase their original disciplinary action.
- c. Decrease their original disciplinary action.
- d. Change the finding of responsibility.

Appeals Procedures. If an appeal is granted that results in the complaint being sent back to the decision makers, then the decision makers will review the appeals document, any instructions or comments on the granting of appeal by the Title IX Coordinator, and any other documentation related to the case. The decision makers may confine their review to written or taped documentation only. However, as determined by the decision makers, they may speak with any student or employee involved with the investigative process for more information or clarification. They

will respond in writing to any request for appeal within ten business days of receiving the appeal from the Title IX Coordinator, unless extenuating circumstances exist, in which case the parties will be notified of the modified timeline.

Finality of Appeals. Decisions made by the Title IX Coordinator and/or the assigned decision makers that has reviewed an appeal are final. No appeals of appeals are permitted.

Rights in the Gender-based Misconduct Investigation Process

Gender-based misconduct proceedings must be conducted by officials who do not have a conflict of interest or bias for or against either party. Requests for recusal of an investigator or decision makers must be submitted in writing to the Title IX Coordinator. In the event the Title IX Coordinator is the individual whose recusal is being requested please submit the request to the President of the College who will assign the task of determining the merit of the recusal to an appropriate deputy for consideration.

Confidentiality in the process:

Information provided for review to the complainant and respondent is to be accessed and used only by the respondent, complainant, their advisor, and the employees of the College assigned to adjudicate and monitor the process. Distribution of any document or other verbatim reproduction of any information provided by the College or other party in this process will result in immediate disciplinary action. Charges will be evaluated and may include retaliation under the GBM policy, or insubordination or other violation of the employee handbook. Distribution of confidential information undermines the process of adjudicating and resolving policy violations on campus and will not be tolerated, as such disciplinary action for doing so may include termination.

The respondent has the right to:

Be charged with a specific violation of College standards or policies in order to adequately prepare his/her case. It is the right of the Respondent to only answer the charges with which he/she has been charged.

The complainant has the right to:

Right to Present Own Complaint or Use Proxy. The complainant has the right to present his/her own complaint if they want to, or to ask the college to stand as complainant in their place. A complainant choosing not to participate in a conduct process, or request anonymity in the process, may limit the College's ability to respond. Upon notice, some situations may require the College to respond against the wishes of the complainant in order to ensure the safety of the campus community.

Amnesty Policy. The Hendrix College community encourages the reporting of both policy violations and crimes. Sometimes, complainants or those who witness

allegations of misconduct may be hesitant to report to college officials because they fear that they themselves may be accused of policy violations. It is in the best interests of this community that as many individuals as possible choose to report to College officials. To encourage reporting, the College pursues a policy of offering complainants and witnesses (including witnesses presented by the respondent) of allegations of misconduct immunity from minor policy violations related to the incident.

Both complainant and respondent have the following rights:

Present evidence by witness. Non-members of the Hendrix community may present written statements pertinent to the charges in question. If witnesses fail to respond to requests for information or reasonable attempts to conduct interviews or collect statements, the process will progress without that information. Evidence must be pertinent to the charges in question. Character witnesses are not allowed. Evidence is generally restricted to written reports and witness interviews conducted by the investigator assigned the case. The complainant and respondent, along with their advisors, will be granted access to all written materials in accordance with the timeline encapsulated in this policy.

The right to an advisor of your choosing. Advisors may not participate in examination of witnesses or presentation of materials or information to the decision makers, investigator or appeals person. The advisor's role is limited to providing support and private advice and consultation to the employee (or student) who is a complainant or respondent in the GBM process. Advisors may accompany a complainant or respondent to any meeting related to the investigation of misconduct. Advisors of record may review the investigative packet, but are not permitted to copy or record materials in any way. The advisor may not directly question or submit information on behalf of the advisee. The investigator will communicate only directly with complainants and respondents. The advisor may assist the employee (or student) in preparation of his or her complaint/response. Advisors may be asked to leave any meeting in which their conduct is unprofessional or disrespectful of College officials and if the guidelines for advisor conduct outlined here are not followed. In addition to these specific guidelines for advisors, advisors must follow the timelines and conduct process procedures provided to their advisees.

Submit questions for all witnesses. Questions must be relevant to the investigation, charges, and may not include prohibited character/sexual history questioning. It is at the discretion of the investigator as to whether questions are allowed/administered, and if questions or their responses are included in the final evidence packet for decision makers' review.

Right to Know Outcome and Sanctions. If the reporting party is an alleged victim of violence, then the complainant and respondent will receive the outcome and sanctions (when applicable) in writing at the same time. Notification of the outcome will be sent within two (2) working days of the decision. If there is a change to the outcome, such as when an appeal is filed and accepted, then the Complainant and Respondent will receive the notice of the change in writing at the same time. At the conclusion of such cases, the complainant and respondent will receive the notice of the final outcome in writing at the same time. If the reporting party is not the victim of violence or gender-based misconduct, then the outcome and any related disciplinary action will not be disclosed to the reporting party.

Right to Appeal. Both the complainant and the respondent have a right to appeal an outcome. A written request for appeal must be submitted to the Title IX Coordinator within three (3) business days after a conduct decision is rendered. The decision rendered during the appeal is final. There is no appeal of appeals. (For more information on appeals please see the appropriate policy section below)

Attempted Violations. In most circumstances, Hendrix College will treat attempts to commit any of the Gender-based misconduct violations listed in the Employee Handbook as violations of the Employee Handbook.

College as Complainant. The College reserves the right to initiate conduct proceedings without a formal complaint by the alleged victim of misconduct. In cases in which the accuser is not a member of the Hendrix community, the College will serve as the complainant.

False Reporting. Hendrix College will not tolerate intentional false reporting of incidents. It is a violation of this policy to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws. A finding of not responsible is strictly a statement that decision makers did not determine an alleged policy violation met the preponderance of the evidence and is not automatic grounds for a claim that a report was intentionally false. Any report determined to have been made in good faith will not be subject to false reporting discipline. In the event a student is the complainant, any intentionally false report would result in referral to the Dean of Students office for discipline under appropriate Student Handbook policies.

Notice of When Complaint Delivered to Respondent(s). Complainants are notified as to when notice of the complaint is delivered to the Respondent(s).

Jurisdiction of the Student Conduct Process v Employee Handbook Process. If the complainant is a student, but the accused is a Hendrix faculty or staff member, the case will be processed by Human Resources. If the respondent is a student, but the complainant is a Hendrix faculty or staff member, then in most instances the case will be processed through the Student Gender-based Misconduct Process.

Prohibition of sexual history as evidence and character witnesses

All parties to a complaint have a right not to face questions or discussion of their sexual history or character unless the investigator assigned to the case determines that such information is highly relevant to determining whether the policy has been violated.

Retaliation

Retaliation is defined as any materially adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for reporting an allegation, for supporting a reporting party or for assisting in providing information relevant to an allegation is a serious violation of College policy. Retaliation can occur in-person or online by any member of the Hendrix Community (including a witness, complainant, reporting party, or respondent) or a third party. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator or any Title IX Deputy. Retaliation is considered an independent allegation that may lead to interim measures and/or disciplinary action if found responsible. Reports of retaliation in violation of this policy will be processed under this policy the same as other alleged violations of this policy.

Romantic Relationships at Work (including Employee-Student relationships)

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of the faculty/staff handbooks. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student) are very strongly discouraged.

Employees are cautioned that in many circumstances an imbalance of power, perceived or real, may occur in employee-student relationships. Any romantic relationship between a student and employee of the College must be disclosed from the outset by contacting Human Resources. It is the responsibility of the employee to disclose such a relationship. In the event misconduct is alleged against an employee of the College for their participation in a relationship that is not disclosed to Human Resources the person adjudicating that case will not consider the claim that the relationship was consensual as a defense. Romantic relationships or conduct that have not been disclosed to HR and are alleged by a student are considered, by the College, non-consensual and investigations are only conducted to determine whether the alleged conduct was more likely than not to have occurred.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the attention of their supervisor and Human Resources at the outset and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities or make changes to prevent an individual from being supervised or evaluated by someone with whom they have established a consensual relationship. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.