

SEXUAL MISCONDUCT POLICY

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PART I: GENERAL POLICY PROVISIONS

A. Notice of Non-Discrimination and Statement of Policy

Bloomfield College (the “College” or “Bloomfield”) is committed to maintaining a safe learning, working, and living environment. In accordance with Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), as amended by the Violence Against Women Reauthorization Act of 2013 (“VAWA”), Title IV of the Civil Rights Act of 1964 (“Title VII”), the New Jersey Campus Sexual Assault Victim’s Bill of Rights Act, and all other applicable laws, Bloomfield College is committed to providing a safe community, free from all forms of sex discrimination, including sexual harassment. In accordance with Title IX, the College does not discriminate on the basis of sex in its educational programs and activities that it operates, including admissions and employment. The College is required by Title IX not to discriminate in such a manner. Under Title IX, discrimination on the basis of sex includes sexual harassment as defined below.

Any inquiries about the application of Title IX may be referred to the College’s Title IX Coordinator, the U.S. Department of Education’s Assistant Secretary for Civil Rights, or both.

Susan Dacey

U.S. Department of Education

Bloomfield College Title IX Coordinator
467 Franklin Street, Knox Hall, Room 206
Bloomfield, New Jersey 07003
(973) 748-9000 Extension 1440
(973) 743-3998 (Fax)
susan_dacey@bloomfield.edu

Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Telephone: 1-800-421-3481
Fax: 202-453-6012; TDD: 1-800-877-8339
Email: OCR@ed.gov

The College has established this Sexual Misconduct Policy (the “Policy”) to promptly and equitably address allegations of “sexual misconduct” including: all forms of sex/gender-based discrimination, sex/gender-based harassment, all forms of sexual harassment, sexual assault, dating violence, domestic violence, stalking, and any other form of non-consensual sexual act or sexual contact or related misconduct prohibited by this Policy, as well as retaliation as defined herein (collectively referred to as “sexual misconduct”). Bloomfield adopts this Policy with a commitment to preventing sexual misconduct, educating the Bloomfield community with respect to the limits of acceptable conduct, informing the Bloomfield community about the available resources and procedures for reporting allegations of sexual misconduct, and establishing clear standards and procedures by which allegations of sexual misconduct will be addressed.

B. Title IX Coordinator

Inquiries regarding this Policy or the laws covered in this Policy may be made to the College’s Title IX Coordinator. Any member of the Bloomfield community who believes that they have been the victim of sexual misconduct is encouraged to immediately report it to the College’s Title IX Coordinator using the contact information provided above.

The Title IX Coordinator is responsible for monitoring compliance with Title IX; coordinating and providing education, training, and notifications of sexual misconduct; overseeing reports, complaints, and formal complaints of sexual misconduct; overseeing the investigations, responses, proceedings, and resolutions of all complaints and formal complaints of sexual misconduct; and overseeing the responses to incidents of sexual misconduct. The Title IX Coordinator is available to meet with any member of the Bloomfield community to discuss this Policy. The Title IX Coordinator is free from bias and conflicts of interest to oversee the implementation of this Policy. Concerns involving bias or conflicts of interest by the Title IX Coordinator may be reported to Cindy McDaniel Interim Vice President for Finance and Administration, at cindy_mcdaniel@bloomfield.edu. Any concerns of bias or conflicts of interest by any other individual involved in the processes set forth in this Policy should be reported to the Title IX Coordinator.

C. Scope of Policy

This Policy is effective as of August 14, 2020 and governs all reports, complaints, and formal complaints of sexual misconduct made on or after such date. Any reports and complaints made prior to the effective date will be reviewed under the College’s prior Sexual Misconduct Policy.

The fundamental objective of this Policy is to address all forms of sexual misconduct, including sex discrimination, as well as retaliation. Allegations of a violation of this Policy are addressed under “Process A” or “Process B,” as determined by the Title IX Coordinator. Process A only

applies to qualifying allegations of sexual harassment under Title IX (“Title IX sexual harassment”), including sexual assault, dating violence, domestic violence, and stalking. Process B applies to all other forms for sexual misconduct, including sexual harassment that the Title IX Coordinator determines does not fall within Process A, as well as retaliation.¹ Reports, complaints, or formal complaints that may be subject to Process A or Process B may be resolved under the informal grievance process set forth in Part III of this Policy, if applicable. **Please see the Appendix to this Policy for the definitions applicable to this Policy.**

Other forms of discrimination and harassment, including discrimination and harassment based on race, religion, disability, and any other protected class other than sex/gender are governed by the College’s Non-Discrimination and Anti-Harassment Policy. This Policy supersedes any information contained in that policy, if applicable, with respect to the definitions or procedures relating to sexual misconduct, as defined herein. An individual who has a question about which policy applies may contact the College’s Title IX Coordinator. Any requests for accommodations due to a disability can be raised with Ms. Margaret Adams, Coordinator of Services for Students with Disabilities via email at margaret_adams@bloomfield.edu.

This Policy applies to all members of the Bloomfield community. In this Policy, the “Bloomfield community” includes the College’s students, employees, including faculty and staff, prospective students and employees, and other parties affiliated with the College by reason of employment or education and within the College’s control. Each member of the Bloomfield community is expected to assist in maintaining a working and learning environment that is free of sexual misconduct at the College.

D. Jurisdiction of Policy

This Policy applies to sexual misconduct that occurs during the College’s education programs and activities, and therefore covers all of the operations of the College,² such as academics and extracurricular activities, and may also include computer and internet networks, digital platforms, and computer hardware or software owned by, operated by, or used in the operations of the College. This Policy covers conduct that occurs on-campus, in College provided housing, and any other property owned or controlled by the College, as well as off-campus at programs and activities sponsored by the College, including study abroad. Any online postings or other electronic communications will be in violation of this Policy the same as any other verbal, written, or physical conduct addressed in this Policy. Irrespective of where the sexual misconduct took place, the College will assess all reports, complaints, and formal complaints to determine whether the sexual misconduct took place during its education program or activity or has a continuing effect on campus or in an off-campus sponsored program or activity.

¹ Complaints of sex/gender-based discrimination and harassment that do not involve Title IX sexual harassment will also be covered under Process B.

² For the purposes of Title IX sexual harassment (34 CFR §§ 106.30, 106.44 and 106.45), “education program or activity” includes locations, events, or circumstances over which the College exercised substantial control over both the Respondent and the context in which the sexual harassment occurs, and any building owned or controlled by a student organization that is officially recognized by the College.

Members of the Bloomfield community are subject to this Policy. When the Respondent is not a community member or the Respondent's identity is not known, the Title IX Coordinator will provide appropriate resources and support options to the Complainant. The College may also prohibit individuals from College programs or activities in order to protect the Complainant or the College community.

E. Prohibition Against Retaliation

The College prohibits any form of retaliation as defined herein. Unless the form of retaliation constitutes Title IX sexual harassment, which would be addressed under Process A, all reports and complaints alleging retaliation under this Policy or the laws covered by this Policy should be addressed under Process B. The following constitutes "retaliation":

1. Title IX Retaliation³

The College will not tolerate intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because an individual has made a report or complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual misconduct but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of Title IX sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a proceeding does not constitute retaliation under this Policy, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

2. Title VII Retaliation

In accordance with Title VII, the College will not discriminate against any of its employees or applicants for employment because of the employee's or applicant's opposition to any practice made an unlawful employment practice by Title VII, or because the employee or applicant made a charge, testified, assisted, or participated in any investigation, proceeding, or hearing under Title VII.

F. Prohibition on Consensual Relationships

Bloomfield College prohibits sexual or romantic relationships between and among individuals (students and employees, including faculty and staff) who are in positions of unequal authority or power, as well as where there is a potential for a conflict of interest, favoritism, and/or exploitation of power. These relationships include instructor-to-student; supervisor-to subordinate; or any other

³ Complaints alleging retaliation may be filed according to the grievance process for sex discrimination required to be adopted under 34 C.F.R. § 106.8(c), which is Process B under this Policy.

relationship between two individuals where one individual has the authority to make or influence decisions which directly or indirectly impact the other individual's employment or educational experiences or advancement, extracurricular or athletic team participation, scholarship or financial support, grades, recommendations, wage status, or promotion at the College, regardless of consent. A staff member or faculty member's relations with students shall be limited to those that are consistent with and necessary to the performance of the staff member or faculty member's duties as an employee of the College. If anyone is promoted into a position that results in a conflict with this Policy restricting consensual relationships, this information must be reported to the Title IX Coordinator immediately.

G. Upstander/Bystander Intervention

The Upstander/Bystander Intervention refers to a person who takes safe, reasonable, and prudent actions to prevent or stop an act, or potential act, of sexual misconduct as defined in this Policy. Intervention includes simple statements, words of caution, offers of assistance, removing someone from a situation, or calls for assistance. The College encourages members of the Bloomfield community to immediately seek assistance from Bloomfield College Security located at 225 Liberty Street (extension 1366); the Office of Student Affairs at Richards Hall (extension 1245); and/or Human Resources in Knox Hall 2nd Floor (extension 1440). If off campus, members of the College community should immediately seek assistance from a person in authority or law enforcement. The safety of upstanders/bystanders is a priority. Retaliation against an upstander/bystander violates this Policy and will result in disciplinary action up to and including termination of employment or expulsion from the College.

H. Amnesty for Students Reporting Sexual Misconduct

The College encourages reporting under this Policy and seeks to remove barriers to reporting. Individuals may be hesitant to report sexual misconduct out of a concern that they, or witnesses to the alleged sexual misconduct, might be charged with a violation of the College's drug and alcohol policies. While the College does not condone such behavior, the College places a priority on the need to address sexual misconduct. The College generally will not hold an individual who, in good faith, reports or is a witness during an investigation of sexual misconduct under this Policy accountable for disciplinary violations that do not place the health and safety of any other person at risk or create a danger to the Bloomfield community. The College retains the right to require individuals to attend counseling or drug/alcohol related courses even in circumstances in which disciplinary conduct will not be pursued under this part.

I. Resources

- **College Media Center**, lower level of the Library, provides an excellent video on Sexual Harassment in the workplace and classroom. It takes approximately 20 minutes; you may borrow the video for home viewing or use the library viewing room. If you have any questions, contact x1370 for information.
- **The College offers mandatory online sexual harassment training for all employees.** Students are offered several on-campus training programs/forums on sexual harassment and sexual misconduct. Specific educational programs are designed for first-year students and parents during the year-long orientation programs.

- **Online sexual misconduct training** will be available to all students and employees. The College also offers anonymous reporting through an online reporting process. The system will notify the user (before they enter information) that entering personally-identifying information may serve as notice to the College for the purpose of triggering an investigation.
- **Campus Conduct Hotline**® -- Dial toll-free to **866.943.5787**. Available for use around the clock, seven days a week. Because the *Hotline* is operated by an independent organization, any calls made through this *Hotline* are completely confidential and anonymous. Issues that may arise that can be reported include: discrimination, fraudulent activity, harassment, hate messages, hostile workplace, illegal business activity, NCAA violations, safety and security issues, and bullying.
- **BC TIPS Line: 973-748-9000, ext. 1466** – another source to report anonymous information is the BC Tips Line that is maintained by the Bloomfield College Office of Security.

J. Amendments and Designation

The most current revision of this Policy supersedes all previously issued revisions and inconsistent verbal or written policy statements. The College reserves the right at any time to change, delete, or add to any of the provisions of this Policy. The College may, at its discretion, designate a trained and experienced individual(s) to act in the place of the Investigator, Hearing Officer, Appellate Officer, and/or facilitator(s) of the informal grievance process in this Policy. If there is such a designation, the parties involved will be promptly informed.

K. Recordkeeping

For a period of 7 years, the College will maintain records generated in connection with sexual misconduct reports, investigations, disciplinary proceedings, hearings, informal processes, appeals, and the audio, audiovisual recording, or transcript, as well as any determinations regarding responsibility including any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant. All materials used to train (in connection with Process A) the Title IX Coordinator, Investigators, Hearing Officers, and any individual who facilitates informal grievance processes will also be maintained for at least 7 years.

For a period of 7 years, the College will also maintain records of any responses, including supportive measures, that the College took in response to a report, complaint, or formal complaint of sexual misconduct. In each instance, the College will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the College's education program or activity. If the College does not provide a Complainant with supportive measures, the College will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the College in the future from providing additional explanations or detailing additional measures taken.

PART II: REPORTING AND GRIEVANCE PROCESSES, GENERALLY

A. Reporting and Confidentiality

The College encourages individuals who become aware of an incident of sexual misconduct to report the incident to the College by contacting the Title IX Coordinator. A victim has the option to report or decline to report incidents of sexual misconduct to local law enforcement. The College will assist victims in contacting law enforcement, if requested. The College also provides victims of sexual misconduct the opportunity to discuss the alleged incident with a trained professional on campus. Bloomfield understands that victims of sexual misconduct may wish to discuss the incident with the assurance that the discussion will be confidential. However, certain College employees are required to share information they are aware of regarding sexual misconduct. Different employees on campus have different levels of responsibility to maintain confidentiality. While not all College employees are required to report sexual misconduct, College employees are strongly encouraged to contact and inform the Title IX Coordinator of any such incidents.

1. Reporting to the Title IX Coordinator

Any individual (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual misconduct) may report incidents of sexual misconduct to the Title IX Coordinator at any time, including during non-business hours, in person, by mail, by telephone, or by electronic mail. The College will confidentially maintain the identities of sexual misconduct reporters, Complainants, individuals who have been reported to be perpetrators of sexual misconduct, including Respondents, and witnesses, except as may be permitted by the Family Educational Rights and Privacy Act of 1974 (“FERPA”), as required by law, or as necessary to conduct proceedings under this Policy.

To the extent possible, information reported to the Title IX Coordinator will be shared only with people responsible for handling the College’s response to the report. The Title IX Coordinator will not share information with law enforcement without the Complainant’s consent, except as required by law, including for purposes of the anonymous statistical reporting under the Clery Act; the information involves suspected abuse of a minor under the age of 18; or the incident poses a safety risk to the Bloomfield community.

There is no time limit for reporting sexual misconduct. Complainants are encouraged to report any alleged sexual misconduct immediately in order to maximize the College’s ability to obtain evidence and conduct a thorough, impartial, and reliable investigation and adjudication. The College’s ability to investigate and respond effectively may be reduced with the passage of time. However, reports may be made at any time without regard to how much time has elapsed since the sexual misconduct.

i. Initial Assessment

Upon receiving a report, complaint, or formal complaint of an alleged violation of this Policy, the Title IX Coordinator will commence an initial assessment within 5 to 7 business days:

- The Title IX Coordinator will determine whether the scope of the allegations fall within the jurisdiction of Title IX sexual harassment and Process A. When determining such applicability, if the complaint does not fall within the scope of Process A, the Title IX Coordinator assesses which processes may apply to the complaint (e.g., Process B).

- The Title IX Coordinator will contact the Complainant and provide them with a written explanation of their rights and options with respect to the report, complaint, or formal complaint. The Title IX Coordinator will promptly make supportive measures available to the Complainant upon receipt of notice.
- The Title IX Coordinator will discuss the availability of supportive measures, consider the Complainant’s wishes with respect to supportive measures, and inform the Complainant of the availability of supportive measures with or without the filing of a complaint or formal complaint. At the time that supportive measures are offered, the Title IX Coordinator will inform the Complainant, in writing, that they may file a complaint or formal complaint with the College either at that time or in the future, if they have not done so already, as well as the processes for doing so.
- The Title IX Coordinator will work with the Complainant to determine whether the Complainant prefers only a supportive response or whether the Complainant would like to proceed with a grievance process, if applicable; and if the grievance process is applicable, whether there is an option for resolution through the informal grievance process.
- If the Complainant wishes to proceed with filing a complaint or formal complaint, if applicable, or the College believes it is otherwise necessary, the Title IX Coordinator will ascertain the name of the Respondent, the date, location, and nature of the alleged sexual misconduct, and, in a timely fashion, will notify the Respondent of the allegations, and any supportive measures available to the Respondent. If a complaint or formal complaint is filed, the Title IX Coordinator will provide initial notice to the parties as further described below. The grievance processes will be followed before any discipline is imposed on the Respondent.

ii. Bad Faith Reporting

Submitting a false report of sexual misconduct or providing false or misleading information in bad faith in connection with an incident of sexual misconduct is prohibited and subject to disciplinary action, up to and including dismissal from the College. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate.

2. Confidential Communications

i. Professional and Pastoral Counselors

Professional, licensed counselors and pastoral counselors who provide mental health counseling to members of the Bloomfield community (and including those who act in that role under the supervision of a licensed counselor) may not report any information about an incident of sexual misconduct disclosed while acting within the scope of that counselor’s license or certification to the Title IX Coordinator without a Complainant’s permission. The counseling services provided by these individuals is a supportive measure provided by the College and is available to all members of the Bloomfield community.

The following is the contact information for these individuals:

- a. College Chaplain: Student Center, 2nd Floor – Extension 1393

b. Personal Counselors: Student Center, 2nd Floor – Extension 1403

ii. Requests for

Confidentiality

If a Complainant wants a report to remain confidential, such that the Complainant's identity will not be disclosed to the Respondent and chooses not to file a complaint or formal complaint, the Complainant may nonetheless receive supportive measures. A Complainant may also report the alleged incident for the purpose of receiving supportive measures and later decide to file a complaint or formal complaint. A third party's report will not trigger an investigation or grievance process, unless the Complainant files or the Title IX Coordinator signs a complaint or formal complaint.

The College will seek consent from Complainants prior to proceeding with a grievance process. A Complainant's declination to consent to proceed may be honored unless the Title IX Coordinator determines, in good faith, that failure to investigate and adjudicate does not adequately mitigate a potential risk of harm to the Complainant or ensure the safety of other members of the College community, would be clearly unreasonable in light of the known circumstances, or violates state or federal law. Honoring such a request may limit the College's ability to meaningfully investigate and pursue action against a Respondent. When determining whether the Complainant's request for confidentiality can be honored, the Title IX Coordinator will consider a range of factors, including, but not limited to, the following:

- Whether the Respondent has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in unlawful conduct on behalf of the Respondent from previously noted behavior;
- The increased risk that the Respondent will commit additional acts of violence;
- Whether the Respondent used a weapon or force;
- Whether the reporting individual, including a Complainant, is a minor; and
- Whether the College possesses other means to obtain evidence such as security footage, and whether available information reveals a pattern of perpetration at a given location or by a particular group.

The Title IX Coordinator has ultimate discretion to determine whether the College will proceed when the Complainant requests otherwise. The Title IX Coordinator may sign a complaint or formal complaint to initiate a grievance process upon completion of a good faith determination. If the Title IX Coordinator signs the complaint or formal complaint, they do not become the Complainant. A Complainant may withdraw a report, complaint, or formal complaint from the College at any time.

3. U.S. Department of Education's Office for Civil Rights

Students may also report sexual misconduct to the U.S. Department of Education's Office for Civil Rights ("OCR") at <https://www2.ed.gov/about/offices/list/ocr/index.html>.⁴

⁴ Please see the contact information for the OCR above.

B. Supportive Measures, Emergency Removals, and No-Contact Orders

1. Supportive Measures

Provided it has notice or it is otherwise aware of sexual misconduct, before or after a formal complaint is filed, or where no formal complaint has been filed, the College (through the Title IX Coordinator) will provide supportive measures to the Complainant and the Respondent, as appropriate and reasonably available, without fee or charge to the parties.

The determination of appropriate supportive measures is based on the facts and circumstances of each situation. Supportive measures include but are not limited to:

- Providing campus escort services;
- Modifications of work or class schedules;
- Changes of work or housing locations including changes of residence hall or office locations;
- Providing counseling and academic support services, such as tutoring;
- Providing course-related adjustments such as extensions of deadlines;
- Providing leaves of absence;
- Establishing mutual restrictions on contact between the parties;
- Providing increased security and monitoring of certain areas of the campus; and/or
- Other similar measures.

The College will maintain as confidential any supportive measures, except as necessary to provide such supportive measures. The Title IX Coordinator will promptly and confidentially contact and inform the Complainant about available supportive measures and the process for filing a formal complaint in order to learn the Complainant's wishes regarding both.

Regardless of whether the alleged misconduct is formally reported to campus authorities or local law enforcement, the College's medical, counseling, and other services are available for all members of the Bloomfield community. The full, prompt and victim-sensitive cooperation of College personnel with regard to obtaining, securing and maintaining evidence, including a medical examination when necessary to preserve evidence of an assault will be provided to all victims. In order to preserve evidence, the College encourages victims of sexual assault not to shower or cleanse in any manner; urinate, brush teeth or gargle, eat, drink, smoke or change clothes prior to going to the hospital. Evidence can be collected up to five days after the incident. The Clara Maass Crisis Unit is available for assistance and can be telephoned at 973-844-4357.

That unit is able to send a crisis worker to talk to any victim of sexual assault and transport them to the Clara Maass Emergency Room if desired by the victim. Counseling is available at the College to assist the recovery of any individual involved in an incident of sexual misconduct. In addition to the Clara Maass Hospital, the Family Service League ("FSL") (<http://www.familyserviceleague.org/>) of Montclair, NJ is also a major resource. The FSL is the designated Essex County Rape Care Center.

Victims can also consider off-campus counselors, advocates, and health care providers who will generally maintain confidentiality. Victims are also encouraged to contact the Rape Care Hotline: 1-877-733-CARE (2273) any time, day or night, to learn about other options and services. A trained advocate can accompany victims to the hospital and will help to connect to the appropriate services which include: a 24-hour, free and confidential hotline; crisis services for victims and their families; educational programs and training for youth and professionals; and counseling at the FSL.

For additional information regarding victims' rights, students should review the New Jersey Sexual Assault Survivor's Bill of Rights at <https://bloomfield.edu/sites/default/files/201906/sexual-assault-victims-bill-of-rights.pdf>.

2. Emergency Removals

If the Title IX Coordinator, in consultation with other College administrators, based on an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of an individual is arising from allegations of sexual misconduct against a Respondent, then the College will remove such Respondent from its education programs or activities on an emergency basis. The College will provide Respondent with written notice and an opportunity to challenge the College's decision immediately following the removal.

The College may also place a non-student employee Respondent on administrative leave at its discretion and/or in accordance with federal and state laws.

3. No-Contact Orders

All no-contact orders will be mutual—i.e. neither party involved will be permitted to contact the other party—unless the College determines, in its discretion and after a fact-specific analysis, that a non-mutual order is appropriate. The Title IX Coordinator will issue any no-contact order in writing, specifying the terms of the no-contact order, including the parties' responsibilities. Violations of a no-contact order under this Policy will be grounds for discipline, including but not limited to dismissal from the College.

C. Standard of Evidence, Presumption of Non-Responsibility, and Burdens of Proof and Gathering Evidence

The standard for decisions under this Policy is a preponderance of the evidence, meaning that it is more likely than not that a violation of this Policy occurred. There is a presumption that a Respondent is not responsible for the alleged sexual misconduct until a determination is made regarding responsibility. The burden of proof as well as the burden to gather evidence sufficient to reach a determination of responsibility rests on the College and not the parties.

D. Timeframes, Promptness, and Notice

There is no limit on reporting violations of this Policy, although the College's ability to respond may be limited as evidence may be less available, memories will fade, and Respondents may no longer be enrolled or employed by Bloomfield. The College will promptly resolve all complaints and formal complaints within a reasonable time, but no later than 60 to 90 business days, excluding appeals, after the filing of a complaint or formal complaint, unless the College has good cause for

any temporary delays or limited extensions. Good cause may include, but is not limited to, absence of a party, advisor, or witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. In the case of a temporary delay of the grievance process or a limited extension of time frames for good cause, the College will provide the Complainant and Respondent with written notice of such delay or extension and the reasons for the action.

The College will provide clear written notice to the parties before every interview or other meeting they are invited or expected to attend, including the date, time, location, participants, and purpose of the investigative interview, hearing, or meeting, and whose participation is invited or expected, including the Complainant and Respondent. Through the notice, the College will provide sufficient time for the parties to prepare to participate.

E. Advisors

Each party may be accompanied by an advisor of their choice to any related meeting or College proceeding who must comply with the College's rules. A party's advisor of choice may be, but is not required to be, an attorney. The role of an advisor is limited to observing and consulting with, and providing support to, the Complainant or Respondent. Except for cross-examination during a Process A hearing, as described below, advisors cannot actively participate or speak on behalf of the Complainant or Respondent. Throughout out the process, the role of the advisor is narrow: they may attend all meetings or interviews at which the party is entitled to be present and may help the party prepare for each meeting. However, the parties should anticipate to ask and respond to questions on their own account. An advisor may not direct questions to the Hearing Officer or witnesses at the hearing but may consult with the party that they are assisting in private as reasonably necessary. While the advisor may provide guidance and support, all written submissions must be authored by the Complainant or Respondent. All College administrators and staff will communicate directly with the Complainant or Respondent and not their advisor. The Hearing Officer will not allow an advisor's presence to inhibit the parties' sharing of information or the conduct of the hearing.

Accommodations, including scheduling of interviews or reviews, generally will not be made for any advisors if they unduly delay the process, as determined by the Title IX Coordinator. The College reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined by the Title IX Coordinator.

F. Conflicts of Interest, Bias, and Training

The Title IX Coordinator Investigators, Hearing Officers, and Appellate Officers, as well as any person who facilitates an informal process, are trained to serve impartially and must be free from conflicts of interest and bias against Complainants or Respondents generally or an individual Complainant or Respondent. These individuals also receive training on, *inter alia*, topics set forth in Title IX (34 C.F.R. § 106.45 (b)(1)(iii)).

G. Disciplinary Sanctions and Remedies

There is a broad range of possible disciplinary sanctions and remedies that the College may implement as part of a determination of responsibility. The Title IX Coordinator is responsible for implementing remedies and the Hearing Officer is responsible for determining disciplinary sanctions. The College will implement disciplinary sanctions and remedies when the determination of responsibility becomes a final determination, as defined above.

All remedies are designed to restore or preserve equal access to the College's education programs or activities and may include the same individualized services as supportive measures. However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Hearing Officer may also identify additional remedies to address the effects of the conduct on the Complainant. Thus, the range of possible remedies is broad and may include supportive measures as described above, as well as remedial sanctions. If a Complainant declined or did not take advantage of a specific service or resource previously offered, the College may re-offer the service as applicable or necessary. The Title IX Coordinator may also consider broader remedial action for the campus community, such as increased supervision or monitoring, targeted or increased education and prevention efforts, and review of policies and procedures.

The range of disciplinary sanctions that the Hearing Officer may consider for any individual found responsible for a violation of this Policy span from a warning up to and including expulsion/termination or revocation of a student's degree. The Hearing Officer may impose any of the following disciplinary sanctions that are determined to be fair and proportionate to the violation of this Policy under the grievance processes.

1. Employees (including faculty members)

Disciplinary sanctions imposed with respect to Respondents who are employees, including faculty members, may include, but are not limited to, one or more of the following: dismissal from employment, non-renewal of an employment contract, suspension, reassignment of College employment, administrative leave, probation, reprimand, warning, changes to work schedule, office relocation or revocation, forfeiture of benefits, honors, leadership positions, promotions or other privilege, training and/or counseling, no-contact orders, and/or any other actions deemed appropriate.

College policies or contracts may require the College to use additional processes before taking certain employment-related actions with respect to faculty and certain other employees. Where a person covered by such a policy or contract has allegedly engaged in conduct prohibited by this Policy, the investigation and disciplinary process will proceed in accordance with the procedures set forth herein, except that the Hearing Officer will not impose any discipline that would require the use of additional processes. Instead, the Hearing Officer will impose all appropriate discipline that does not require the use of additional processes and then refer the matter, if appropriate, for action under the additional process. The College's disciplinary action will be considered complete with the Hearing Officer's imposition of discipline and referral, subject to any appeals. For information, please contact the Title IX Coordinator.

2. Students

Disciplinary sanctions may include, but are not limited to, one or more of the following: dismissal, probation, reprimand, warning, restitution, education/counseling, no-contact order, restriction from extracurricular programs or activities, loss of leadership opportunity or positions in activities, housing restriction/relocation, changes in academic schedule, loss or restriction from College employment, revocation of a degree, award, or honor, and/or any other actions deemed appropriate. In addition, the College reserves the right to withhold a student's diploma where a report of sexual misconduct is pending. It may also revoke any degree awarded for an individual who is found to have engaged in sexual misconduct prior to conferral of the degree.

3. Considerations

In determining an appropriate disciplinary sanction, and upon a determination of responsibility, the Hearing Officer may take into account the following:

- The nature and circumstances of the sexual misconduct.
- The impact of the sexual misconduct on the Complainant.
- The impact of the sexual misconduct on the Bloomfield community.
- The disciplinary history of the Respondent.
- Any other mitigating or aggravating circumstances in order to reach a fair and appropriate resolution in each case.
- Range of disciplinary sanctions typically imposed for similar violations.

PART III: INFORMAL GRIEVANCE PROCESS

At any time prior to reaching a determination of responsibility, the College may offer the parties the option to resolve the complaint or formal complaint through an informal grievance process without completing a full formal grievance process. However, the College will only offer an informal grievance process if it determines, in its sole discretion, that such informal grievance process may be appropriate, and after the College has obtained the Complainant's and Respondent's voluntary, written consent to the informal process. The Title IX Coordinator will be responsible for determining whether the informal grievance process is appropriate by assessing the totality of the circumstances, including, but not limited to, the severity of the alleged sexual misconduct, the parties' wishes, and the potential risks to campus community members.

The informal grievance process may not be used to: (1) resolve an allegation of sexual misconduct unless a complaint or formal complaint is filed, or (2) to resolve allegations of sexual misconduct against a College employee where the Complainant is a student.

In order to proceed with an informal grievance process, the Title IX Coordinator must provide the Complainant and Respondent with written notice disclosing:

- (1) the allegations;

- (2) the requirements of the informal grievance process, including the circumstances under which it precludes the parties from resuming a complaint or formal complaint arising from the same allegations; and
- (3) any consequences resulting from participating in the informal grievance process, including the records that will be maintained or could be shared.

The Title IX Coordinator or their designee will serve as the facilitator(s) of the informal grievance process and may elect to be assisted by another member of the senior staff of the College or a trained outside expert. The informal grievance process is designed to obtain an expedient, mutually acceptable solution, which may include an acceptance of responsibility and disciplinary sanctions by the Respondent, without the necessity of conducting a formal grievance process. The informal grievance process may result in the imposition of protective actions agreed upon by the parties, or (with or without such agreement) based on information derived from the informal grievance process taken together with any other relevant information known to the College at the time of the informal grievance process.

Participation in the informal grievance process is voluntary. The College will not compel the parties to engage in an informal grievance process and will allow the parties to withdraw from the informal grievance process at any time and resume the formal grievance process with respect to the formal complaint (Process A) or the complaint (Process B). There is no appeal option after the parties reach a resolution through informal means.

PART IV: PROCESS A FORMAL GRIEVANCE PROCESS—ADDRESSING ALLEGATIONS OF TITLE IX SEXUAL HARASSMENT

Process A applies only to qualifying allegations of Title IX sexual harassment as defined above. If a dismissal of a formal complaint occurs under Process A, please see Process B, if applicable. Process B may also apply to Title IX sexual harassment if the Title IX Coordinator determines that the allegations fall outside the jurisdiction of Process A. Under Title IX, the College's response to reports or formal complaints of sexual harassment must treat Complainants and Respondents equitably by offering supportive measures to a Complainant, and by following a grievance process that complies with Title IX before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a Respondent.

A. Formal Complaints of Title IX Sexual Harassment

Formal complaints of Title IX sexual harassment against a Complainant in the United States that occurs during the College's education programs or activities, and of which the College has actual knowledge will be addressed under Process A. Reports of Title IX sexual harassment may be made using any of the options set forth above.

The College will promptly investigate formal complaints and conduct a grievance process before the imposition of any disciplinary sanctions or any actions that are not supportive measures against a Respondent and filed by a Complainant or signed by the Title IX Coordinator. A formal

complaint may be filed with the Title IX Coordinator at any time (even during non-business hours) in person, by mail, or by electronic mail, by using the contact information above. The Complainant must be participating in or attempting to participate in the College's education program or activity at the time the formal complaint is filed alleging Title IX sexual harassment against a Respondent and requesting that the College investigate the allegations.

If the Complainant files the formal complaint, the formal complaint must contain the Complainant's physical or digital signature or provide an indication that the Complainant is the individual filing the formal complaint. The Title IX Coordinator may also sign a formal complaint. However, where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the formal complaint. The Complainant reserves the right to withdraw a formal complaint or their involvement in the College's grievance process at any time.

1. Dismissal of Formal Complaints

The College *must* dismiss a formal complaint or any allegations therein, if, at any time during the investigation or hearing, it is determined that: (1) the conduct alleged in the formal complaint would not constitute Title IX sexual harassment as defined in 34 C.F.R. § 106.30 even if proved; (2) the conduct did not occur in the College's education program or activity, as defined herein; (3) the conduct did not occur against a person in the United States; or (4) at the time of filing a formal complaint, the Complainant was not participating in or attempting to participate in the College's education program or activity.

The College *may*, in its discretion, dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing: (1) the Complainant notifies the Title IX Coordinator, in writing, that the Complainant would like to withdraw the formal complaint or any allegations therein; (2) the Respondent is no longer enrolled or employed by the College; or (3) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Dismissal does not preclude the College from acting under Process B of this Policy or other College policy. The Title IX Coordinator will determine whether a formal complaint must or may be dismissed in accordance with this section. In the event of dismissal of a formal complaint, the Title IX Coordinator will promptly and simultaneously send the parties written notice of the dismissal and the reasons for such dismissal. The parties may appeal the decision to dismiss a formal complaint or any allegations therein under the procedures for appeal herein.

2. Consolidation of Formal Complaints

The College may consolidate formal complaints regarding allegations of Title IX sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Title IX sexual harassment arise out of the same facts or circumstances.

B. Initial Notice of Allegations

Upon receipt of a formal complaint of Title IX sexual harassment, the Title IX Coordinator will provide written notice to the parties who are known. The notice will include:

- Notice of the College’s formal grievance process, including any informal grievance process;
- Notice of the allegations of sexual harassment potentially constituting Title IX sexual harassment, as well as sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
 - Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX sexual harassment under 34 C.F.R. § 106.30, and the date, location, and factual allegations of the alleged incident, if known;
- The specific section(s) of this Policy alleged to have been violated;
- A statement about the College’s prohibition on retaliation;
- A description of the range of possible disciplinary sanctions and remedies or a list of the possible disciplinary sanctions and remedies that the College may implement following any determination of responsibility;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process;
- A statement that informs the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
- A statement informing the parties that they may inspect and review the evidence collected in an investigation; and
- A statement informing the parties that this Policy prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

During the course of the investigation, the College may investigate allegations about the parties that are not included in the initial written notice of allegations. If this is the case, the College will provide additional allegations to the parties whose identities are known.

C. Investigations of Formal Complaints

The Title IX Coordinator and/or their designee will either conduct the investigation or appoint a trained investigator(s) to complete an investigation (the “Investigator”). A party wishing to challenge the selection of the Investigator must notify the Title IX Coordinator, in writing, within 3 business days of receipt of the name and contact information of the Investigator, stating the specific reason(s) for the party’s objection. The Title IX Coordinator will determine whether the challenge has merit, and reserves discretion to make changes to the individual assigned as the Investigator at any time. If the Investigator is the Title IX Coordinator, the party may contact Cindy McDaniel, interim Vice President for Finance and Administration, at cindy_mcdaniel@bloomfield.edu. Formal complaints of Title IX sexual harassment will be investigated promptly, thoroughly, and impartially by the Investigator, and normally within 30 to 45 business days of filing a formal complaint with the Title IX Coordinator.

The Investigator is responsible for gathering sufficient evidence to enable the Hearing Officer to reach a determination. The Investigator will conduct an objective evaluation of all relevant

evidence. Investigations generally include interviews with the parties and witnesses, as well as follow up interviews, if necessary. The parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Parties and witnesses are expected to provide all available relevant evidence to the Investigator.

Unless the Investigator obtains a party's voluntary, written consent, the Investigator will not access, consider, disclose or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in such capacity, and which are made or maintained in the connection with the provision of treatment to the party. The College will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognizable privilege, unless the person holding such privilege has waived the privilege.

The parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The parties will have the ability to discuss the allegations under investigation and gather and present relevant evidence. Both the Complainant and Respondent will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. This includes the evidence the College does not intend to rely on in reaching a determination regarding responsibility as well as inculpatory or exculpatory evidence whether obtained from a party or other source. During any hearing, the College will make all such evidence available for the parties' inspection and review to give each party an equal opportunity to refer to the evidence during the hearing.

At the conclusion of the investigation the Investigator will prepare a case file, which will include all collected evidence that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination of responsibility and any inculpatory or exculpatory evidence, whether obtained from a party or other source as part of the investigation. The Investigator will also prepare an investigative report that fairly summarizes the investigation and all relevant evidence.

Prior to completion of the investigative report, the Investigator will send to each party and party's advisor, if any, the case file subject to inspection and review in an electronic format or hard copy. The parties will have 10 business days to submit a written response. The Investigator will consider the written responses before completing the investigative report.

The Investigator will finalize the investigative report that summarizes relevant evidence and, at least 10 business days prior to the hearing, send the investigative report to each party and the party's advisor, if any, in an electronic format or hard copy, for their review and written response. The parties and their advisors, if any, will be provided with the other party's written response to the investigative report, if any, in electronic format or hard copy prior to the hearing.

D. The Hearing

1. The Hearing Officer

After the investigative report is shared with the parties, the Title IX Coordinator will assign the matter to be heard by a Hearing Officer(s) who is chosen from a group of specially trained College personnel. The Title IX Coordinator may determine that a trained individual who is external to the College will be assigned as the Hearing Officer. The assigned Hearing Officer will not participate in the grievance process until this stage of the proceeding.

2. The Hearing Process

A live hearing is required as part of this process. The hearing cannot take place less than 10 business days from the conclusion of the investigation, which is when the investigative report is provided to the parties. The Title IX Coordinator will provide written notice of the hearing to the parties at least 5 business days before the hearing date. The written notice will include:

- The date, time, and place of the hearing;
- The participants in the hearing (including but not limited to the parties, witnesses, etc.)
- The purpose of the hearing; and
- The names and contact information of the Hearing Officer. A party wishing to challenge the participation of the Hearing Officer must notify the Title IX Coordinator, in writing, within 3 business days of receipt of the notice of hearing, stating the specific reason(s) for the party's objection. The Title IX Coordinator will determine whether the challenge has merit, and reserves discretion to change the Hearing Officer at any time.

i. Conduct of the Hearing

The hearing will take place on the date and time specified in the notice of hearing. If circumstances arise that require a change in the hearing date or time, the College will provide the parties with written notice explaining the reason for such change. The College will create an audio or audiovisual recording, or transcript, of all live hearings under this Policy and will make it available to the parties for inspection and review.

The Hearing Officer may consider all evidence that it determines is relevant. The Hearing Officer is responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, or advisor. During the hearing, the Complainant and Respondent have the opportunity to:

- Speak on their own behalf;
- Be accompanied by an advisor, who may be, but is not required to be, an attorney;
- Present witnesses who can speak about the alleged conduct at issue;
- Present other evidence on their own behalf;
- Have an advisor cross-examine the other party and any witnesses; and
- Attend the entire hearing or proceeding, except for the deliberation phase.

The Hearing Officer will determine the order of parties and witnesses and answer any procedural questions. During any hearing, the College will make all directly related evidence available for the

parties' inspection and review to give each party an equal opportunity to refer to the evidence. Live hearings may be conducted with all parties physically present in the same geographic location, or under the discretion of the College, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling the participants to simultaneously see and hear each other. The parties may request to the Title IX Coordinator that the live hearing occur in this manner.

ii. Cross Examination

During the live hearing, cross-examination will be conducted directly, orally, and in real time by the party's advisor. At no point shall the parties be entitled to question the other. If a party does not have an advisor present at the live hearing, the College will provide such party, without fee or charge, an advisor of the College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Cross-examination includes relevant questions and follow-up questions, including questions challenging credibility of the other party or any witnesses. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Officer shall determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Hearing Officer will limit or preclude any irrelevant questions. The Hearing Officer's determination that a question is not relevant is made by applying logic and common sense. The Hearing Officer is not required to give a lengthy or complicated explanation; it is sufficient, for example, for the Hearing Officer to explain that a question is irrelevant because the question calls for prior sexual behavior information without meeting one of the two exceptions outlined below, is duplicative, or because the question asks about a detail that is not probative of any material fact concerning the allegations.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence (1) are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or (2) concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove affirmative consent.

If a party or witness does not submit to cross-examination at the live hearing, the Hearing Officer shall not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Hearing Officer shall not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

The Hearing Officer has the authority, in its discretion, to speak directly with any persons identified in the investigative report, as well as question the parties.

E. Determination Regarding Responsibility

The Hearing Officer will evaluate the allegations under a "preponderance of the evidence" standard. The Respondent will be found to be responsible for the alleged Title IX sexual harassment if the Hearing Officer concludes, based upon careful review of all information

presented, that such Title IX sexual harassment more likely than not occurred. The Hearing Officer will determine any disciplinary sanctions imposed on the Respondent and the Title IX Coordinator will implement any remedies. Please see above for the non-exhaustive range of possible disciplinary sanctions and remedies that may be implemented.

Determinations of credibility shall not be based on a person's status as a Complainant, Respondent, or witness. A Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

1. Notice of Decision

Upon reaching a determination of responsibility and within 7 business days from the hearing, the Hearing Officer will simultaneously issue a written notice of its determination regarding responsibility to the parties. The written notice will include:

- Identification of the allegations potentially constituting Title IX sexual harassment under 34 C.F.R. § 106.30;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including:
 - A determination regarding responsibility,
 - Any disciplinary sanctions the College will impose on the Respondent, and
 - Whether remedies will be provided to the Complainant; and
- The College's procedures and permissible bases for the Complainant and Respondent to appeal.

The College will implement disciplinary sanctions and remedies when the determination becomes final. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, as described below, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. *For the appeal process, please see Part VI below.*

PART V: PROCESS B FORMAL GRIEVANCE PROCESS—ADDRESSING ALLEGATIONS OF SEXUAL MISCONDUCT AND RETALIATION

Process B is a prompt and equitable grievance process, which applies when the Title IX Coordinator determines that Process A does not, or when violations of this Policy that would be subject to Process A have been dismissed. If the Title IX Coordinator determines that Process A applies, then Process A must be applied and not Process B. Process B applies to all allegations of sexual misconduct under this Policy, including allegations of sexual harassment that do not constitute Title IX sexual harassment, as well as allegations of discrimination or harassment, such as sex/gender-based discrimination or harassment that do not qualify as Title IX sexual harassment

involving students, employees, or third parties. Process B also applies to all allegations of retaliation covered by this Policy.

A. Complaints and Initial Notice

Reports may be made using any of the options set forth above. A complaint is a document filed by the Complainant or signed by the Title IX Coordinator alleging sexual misconduct and/or retaliation by a Respondent and requesting that the College investigate the allegation(s). If a Complainant files or the Title IX Coordinator signs a complaint, the College will initiate its complaint process, including investigation into the Complainant's allegations. A complaint may be filed with the Title IX Coordinator at any time (even during non-business hours) in person, by mail, or by electronic mail, by using the contact information set forth above. Once a complaint is received, it will be reviewed by the Title IX Coordinator. If the Complainant is filing the complaint, it must contain the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the complaint. The Title IX Coordinator does not become the Complainant if they sign the complaint. The Complainant reserves the right to withdraw a complaint or their involvement in the College's grievance process at any time.

Dismissal of a complaint from the Process B grievance process does not preclude action under another provision of the College's policies and/or handbooks. If a complaint and/or any allegations therein are dismissed, the Title IX Coordinator will promptly and simultaneously send written notice of the dismissal and the reasons therefore to the parties. Further, the College may consolidate complaints regarding allegations of sexual misconduct and/or retaliation against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances.

Upon the filing of a complaint, the Title IX Coordinator will promptly contact the Complainant and provide the Complainant a general understanding of this Policy, as well as identify the Complainant's rights and any available supportive measures, if the Title IX Coordinator had not already done so. The Title IX Coordinator will also seek to determine how the Complainant wishes to proceed.

If the Complainant wishes to proceed with the grievance process, or the College believes it is otherwise necessary, the Title IX Coordinator will notify the Respondent that a complaint has been filed and provide the date, time, location, and factual allegations concerning the alleged violation, a reference to the specific Policy provisions that have been violated, the College's retaliation prohibition, and possible disciplinary sanctions and remedies. The Title IX Coordinator will provide the Respondent with a general understanding of this Policy, identify any available supportive measures, and inform the Respondent that they may have an advisor of their choice, who may be, but is not required to be, an attorney.

B. Investigations

The Title IX Coordinator will determine whether the Title IX Coordinator, or their designee, will act as the investigator. The Title IX Coordinator may also designate a specially trained investigator or investigators to conduct the interviews and/or investigation (collectively, the "Investigator"). A party wishing to challenge the selection of the Investigator must notify the Title IX Coordinator,

in writing, within 3 business days of receipt of the name and contact information of the Investigator, stating the specific reason(s) for the party's objection. The Title IX Coordinator will determine whether the challenge has merit, and reserves discretion to make changes to the individual assigned as the Investigator at any time. If the Investigator is the Title IX Coordinator, the party may contact Cindy McDaniel Interim Vice President for Finance and Administration, at cindy_mcdaniel@bloomfield.edu.

Complaints of sexual misconduct and/or retaliation will be investigated promptly, thoroughly, and impartially by the Investigator, normally within 30 to 45 business days of filing a complaint with the Title IX Coordinator. The College will make a good faith effort to complete investigations as promptly as possible and will communicate regularly with the parties to update them on progress, the timing of the investigation and delay for good cause, if necessary.

The Investigator will collect, and review evidence deemed necessary or helpful to the investigation. The investigation will include individual interviews with the parties involved and with individuals who may have observed the alleged conduct or may have any other relevant knowledge. The investigation may also include examination of relevant evidence that is directly related to the allegations in the complaint. The Complainant and the Respondent will be given an equal opportunity to present information in the context of the investigation, the opportunity to suggest witnesses and review and present available evidence in the case file.

At the conclusion of the investigation, the Investigator will prepare an investigative report that fairly summarizes the investigation and all relevant evidence. The Investigator makes no conclusions, engages in no Policy analysis, and renders no recommendations as part of their report. The Investigator will provide the investigative report to the parties for their review and written response. In response to the investigative report, both the Complainant and the Respondent will be given the opportunity to submit a written statement and a list of proposed witnesses for the hearing. The written statement and list of proposed witnesses will be provided to the Title IX Coordinator, the opposing party, and the Hearing Officer.

C. The Hearing

1. The Hearing Officer

After the investigative report is shared with the parties, the Title IX Coordinator will assign the matter to be heard by a Hearing Officer(s) who is chosen from a group of specially trained College personnel. The Title IX Coordinator may determine that a trained individual who is external to the College will be assigned as the Hearing Officer. The assigned Hearing Officer will not participate in the grievance process until this stage of the proceeding.

2. The Hearing Process

The College will provide written notice at least 5 business days before the hearing date to the parties stating the date, time, and place of the hearing and the name and contact information of the Hearing Officer. A party wishing to challenge the participation of the Hearing Officer must notify the Title IX Coordinator, in writing, within 3 business days of receipt of the notice of hearing, stating the specific reason(s) for the party's objection. The Title IX Coordinator will determine

whether the challenge has merit, and reserves discretion to make changes to the assigned Hearing Officer. The notice will also inform the parties that they may have the assistance of an advisor of their choosing at the hearing and may request to see and review evidence collected in the investigation.

The hearing will be conducted within 10 business days from the conclusion of the investigation. The hearing will take place on the date and time specified in the notice of hearing. If circumstances arise that require a change in the hearing date or time, the College will provide the parties with written notice explaining the reason for such change.

As a non-adversarial process, the hearing will not follow a courtroom model, and formal rules of evidence will not be observed. The parties will have the opportunity present evidence and testimony during the hearing. This may be done as necessary to accommodate a witness who cannot be present, or whom the Hearing Officer determines may remain anonymous.

The parties may have advisors present to support and assist them during the hearing. An advisor may not direct questions to the parties, the Hearing Officer, or witnesses. Only the Hearing Officer may question the individual parties and any witnesses, unless permission is granted to modify the questioning process.

The parties are expected to cooperate at the hearing. If either party fails to appear at the scheduled hearing, the Hearing Officer may postpone the proceedings if there is a legitimate documented reason for the absence, or proceed and determine the complaint on the basis of the evidence available, provided the absent party was duly notified of the scheduled hearing date.

In general, any information or questioning about the prior sexual history of the Complainant or Respondent with individuals other than the other party is precluded and will not be admitted at the hearing. Additionally, any information or questioning about either party's mental health history diagnosis, and/or treatment is precluded and will not be admitted at the hearing. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the stage that determines disciplinary sanctions.

If the Hearing Officer determines that unresolved issues exist that would be clarified by the presentation of additional information, the Hearing Officer may suspend the hearing and reconvene it in a timely manner to receive such information. A delay may not be based on the failure of witnesses to appear without good cause or on the proposed introduction of documents, which were readily available at the time of the hearing.

D. Determination Regarding Responsibility

The Respondent will be found to be responsible for the alleged sexual misconduct and/or retaliation if the Hearing Officer concludes, based upon careful review of all information presented, that under a preponderance of the evidence, such violation of this Policy more likely than not occurred. The Hearing Officer will determine any disciplinary sanctions imposed on the Respondent and the Title IX Coordinator will implement any remedies. Please see above the range of possible disciplinary sanctions and remedies that may be implemented.

Upon reaching a determination of responsibility and within 7 business days from the hearing, the Hearing Officer will simultaneously issue a written notice of its determination regarding responsibility to the parties. The notice of determination will detail the factual findings supporting the determination, the rationale for the determination, any disciplinary sanctions imposed and/or any remedies provided, and appeal procedures.

The College will implement disciplinary sanctions and remedies when the determination becomes final. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, as described below, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. *For the appeal process, please see Part VI below.*

PART VI: APPEAL PROCESS

The Complainant and/or Respondent may appeal a determination regarding responsibility or a dismissal of a complaint or formal complaint or any allegations therein, on any of the following bases: (1) a procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and (3) the Title IX Coordinator, Investigator(s), or Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Within 5 business days of the delivery of the written determination of responsibility or from dismissal of a complaint or formal complaint or any allegations therein, the Respondent and/or Complainant may appeal the decision by submitting to the Title IX Coordinator a written statement challenging the outcome. The Title IX Coordinator will promptly notify the nonappealing party about the appeal in writing and will implement appeal procedures equally to the parties. Within 5 business days from the notification of the appeal, the non-appealing party may submit a written statement in response and in support of the outcome.

The College will assign a trained Appellate Officer to oversee the appeal. The Appellate Officer shall not be the Title IX Coordinator, the Hearing Officer, or the Investigator. The Appellate Officer shall be fair and impartial and will not have a conflict of interest.

The Appellate Officer will decide the merits of the appeal. The Appellate Officer will simultaneously issue a written decision to the parties describing the result of the appeal and the rationale for the result within 10 business days of receipt of the complete record, including the parties' written submissions. This decision is final.

APPENDIX: DEFINITIONS

For purposes of this Policy, the following definitions apply.

1. **“Actual knowledge”** means notice of Title IX sexual harassment or allegations of Title IX sexual harassment to the College's Title IX Coordinator or any College official who has

authority to institute corrective measures on behalf of the College, also known as any Official with Authority as defined below. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. The mere ability or obligation to report Title IX sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College. Notice includes, but is not limited to, reports and formal complaints of Title IX sexual harassment. Once the College has actual knowledge of Title IX sexual harassment in its education program or activity against a person in the United States, the College will respond promptly in a manner that is not deliberately indifferent.

2. **“Advisor”** means an individual who may be, but is not required to be, an attorney; and is selected by each party to accompany the party to any related meeting or proceeding, to advise the party, and to conduct cross-examination for the party at the hearing in Process A, if any. If a party does not select an advisor and a hearing is required based on allegations of Title IX sexual harassment, the College will appoint an advisor for purposes of conducting cross-examination.
3. **“Affirmative consent”** means a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. Consent can be given through words or actions, as long as those words or actions create a clear permission regarding the willingness to engage in sexual activity. Consent cannot be obtained through coercion, intimidation, force, or threat of harm. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity or make informed, rational judgments whether temporarily or permanently. Incapacitation may be caused because an individual is mentally and/or physically helpless; by a lack of consciousness or being asleep; being involuntarily restrained; being unaware that sexual activity is occurring; or if an individual otherwise cannot consent. Depending on the degree of intoxication, an individual who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Effective consent may never be given by minors. Affirmative consent to one form of sexual activity does not imply consent to other sexual acts. A previous relationship or previous consent, including a dating relationship or previous sexual involvement, does not imply consent to future sexual acts. Consent may be withdrawn by either party at any time by an outward demonstration through words or actions to end sexual activity immediately and without question. When consent is withdrawn, or can no longer be given, sexual activity must cease. In determining whether affirmative consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which the parties affirmatively used words or actions indicating a willingness to engage in sexual activity; whether a reasonable person in the parties’ position would have understood the words said and/or actions taken as an expression of consent from all parties; and whether there are any circumstances, known or reasonably apparent to the parties, demonstrating an incapacity to consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression.
4. **“Coercion”** means unreasonable pressure to engage in sexual activity.
5. **“Complainant”** means an individual who is alleged to be the victim of conduct that could constitute sexual misconduct.

6. **“Complaint”** means a Process B document filed by a Complainant or signed by the Title IX Coordinator alleging conduct that may constitute a violation of this Policy, other than Title IX sexual harassment, against a Respondent and requesting that the College investigate the allegation of sexual misconduct and/or retaliation. A complaint initiates Process B of this Policy.
7. **“Dating violence”** as defined by VAWA at 34 U.S.C. § 12291(a)(10), 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: (i) the length of the relationship, (ii) the type of the relationship, and (iii) the frequency of interaction between the persons involved in the relationship.
8. **“Day”** means a business day.
9. **“Deliberately indifferent”** is defined in 34 C.F.R. § 106.44(a) and means that an institution is deliberately indifferent only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances. Once the College has actual knowledge of Title IX sexual harassment in its education program or activity against a person in the United States, it will respond promptly in a manner that is not deliberately indifferent.
10. **“Disciplinary sanction”** means an action imposed by the College on a Respondent where a determination of responsibility has been made and the Respondent has been found to have violated this Policy.
11. **“Domestic violence”** as defined by VAWA at 34 U.S.C. § 12291(a)(8) 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 New Jersey domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person’s acts under the New Jersey domestic or family violence laws. Under New Jersey criminal law, domestic violence can include acts such as homicide, assault, terroristic threats, kidnapping, criminal restraint, false imprisonment, sexual assault, criminal sexual contact, lewdness, criminal mischief, burglary, criminal trespass, harassment, stalking, criminal coercion, robbery, contempt of a domestic violence order that constitutes a crime or disorderly persons offense, any other crime involving risk of death or serious bodily injury to a person protected under the Prevention of Domestic Violence Act of 1990, and cyber-harassment.
12. **“Education program or activity”** for purposes of 34 C.F.R. §§ 106.30 and 106.45, includes locations, events or circumstances over which the College exercised substantial control over both the Respondent and the context in which the alleged Title IX sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.
13. **“Final determination”** means a determination of responsibility by the College that has become final. A determination is a finding by the College based upon a preponderance of the evidence, regarding whether the Respondent is responsible for the alleged conduct and whether the alleged conduct constitutes a violation of this Policy. A determination indicates whether disciplinary sanctions, if any, are to be imposed on the Respondent, and whether

remedies designed to restore or preserve equal access to the College's education program or activity are to be provided to the Complainant. A "final" determination means the written determination containing the information required in 34 C.F.R. § 106.45(b)(7), as modified by any appeal by the parties. A determination of responsibility becomes a final determination on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

14. **"Force"** means the use of physical violence and/or imposing on someone physically to engage in sexual activity. Force can also include threats, intimidation, or coercion used to overcome an individual's freedom of will to choose whether or not to participate in sexual activity.
15. **"Formal complaint"** means a Process A document filed by a Complainant (meaning a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the individual filing the formal complaint) or signed by the Title IX Coordinator alleging Title IX sexual harassment against a Respondent and requesting that the College investigate the allegation of Title IX sexual harassment. A formal complaint initiates Process A. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the College's education program or activity.
16. **"Grievance process"** refers to the informal grievance process as well as the formal grievance processes set forth as "Process A" and "Process B."
17. **"Hearing Officer"** refers to an individual who presides over the hearing conducted during the formal grievance processes of this Policy and issues a determination as to Policy violations.
18. **"Intimidation"** means implied threats that reasonably cause another individual to fear for that individual's safety or well-being.
19. **"Investigator"** means an individual appointed by the Title IX Coordinator to investigate the allegations of sexual misconduct and/or retaliation. Investigators are also charged with creating an investigative report that fairly summarizes relevant evidence.
20. **"No-contact order"** is a directive prohibiting contact between or among designated individuals through any means, direct or indirect, including personal contact, email, telephone, text message, social media, or by means of a third party.
21. **"Official with Authority"** means an employee of the College who has the authority to institute corrective action on behalf of the College.
22. **"Preponderance of the evidence"** is the standard of proof to determine responsibility under this Policy, and which means that it is more likely than not that a violation of this Policy occurred.
23. **"Process A"** means the grievance process defined above and detailed below. Process A only applies to conduct that constitutes Title IX sexual harassment.
24. **"Process B"** means the grievance process defined above and detailed below. Process B applies to all allegations of sexual misconduct and retaliation that do not constitute Title IX sexual harassment.
25. **"Remedies"** are actions taken by the College in favor of a Complainant and/or the College community after a determination of responsibility has been made through Process A and Process B. Remedies are designed to restore or preserve equal access to the College's

education program or activity. Remedies may include the same individualized services as supportive measures; however, remedies need not be nondisciplinary or non-punitive and need not avoid burdening the Respondent.

26. **“Report”** means a report made to the Title IX Coordinator that is verbal or written, by any person, alleging sexual misconduct and/or retaliation as defined herein. Such a report can be made at any time in person, by mail, by phone, or by electronic mail. A report is not the same as a complaint or a formal complaint and will not initiate a grievance process.
27. **“Respondent”** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual misconduct.
28. **“Retaliation”** is defined in Section E of Part I above.
29. **“Sex”** encompasses sex, gender, sexual orientation, gender identity, and/or gender expression.
30. **“Sex discrimination”** involves treating someone unfavorably because of that person’s actual or perceived sex. It occurs when, on the basis of sex, gender, sexual orientation, gender identity, including transgender status and/or gender expression, an individual or group is excluded from participation in, or denied the benefits of, any College program or activity, including admissions and employment.
31. **“Sex/gender-based harassment”** is unwelcome conduct based on an individual’s actual or perceived sex/gender. It includes slurs, taunts, stereotypes, or name-calling as well as gender-motivated physical threats, attacks, or other hateful conduct. It occurs when one person harasses another person for reasons relating to their gender or the gender with which they identify. The harassing conduct does not need to be based on anything of a sexual nature.
32. **“Sexual act”** means (a) contact between the penis and vulva or the penis and the anus where penetration occurs, however slight; (b) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; (c) the penetration, however slight, of the anal or genital opening of another by hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or (d) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
33. **“Sexual assault”** as defined at 20 U.S.C. § 1092(f)(6)(A)(v), means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (“FBI”). These offenses are defined⁵ as follows:
 - **“Sex offenses”**⁶ include any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

⁵ The definitions herein are from the most recent Uniform Crime Reporting Program National Incident-Based Reporting System (“NIBRS”) User Manual, dated May 7, 2020, with the exception of Rape, which, in accordance with the Clery Act, is defined pursuant to the FBI’s Uniform Crime Reporting Program Summary Reporting System (SRS), dated June 20, 2013. Once the SRS is retired, the NIBRS definition of rape shall be used.

⁶ Under the NIBRS User Manual dated 2011, available [here](#), this definition was used to describe “Sex Offenses, Forcible.” The following acts were classified as “Sex Offenses, Forcible”: Forcible Rape (Except Statutory Rape), Forcible Sodomy, Sexual Assault with An Object, and Forcible Fondling.

- **“Rape—completed”** [SRS definition] means penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes either gender of victim or offender. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
- **“Rape (except statutory rape)”** [NIBRS Definition—to be used only when SRS is retired⁷] means the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- **“Sodomy”** means oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- **“Sexual assault with an object”** means to use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia, e.g., a finger, bottle, handgun, stick.
- **“Fondling”** the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- **“Sex offenses”**⁸ are also unlawful sexual intercourse:
 - **“Incest”** means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **“Statutory rape”** means sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in statutory rape; the act is not an attack.

34. “Sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

⁷ It is anticipated that the FBI will retire the SRS on January 1, 2021.

⁸ Under the NIBRS User Manual dated 2011, available [here](#), the definition of “(except prostitution offenses) unlawful, nonforcible sexual intercourse” was used to describe “Sex Offenses, Nonforcible.” The following acts were classified as “Sex Offenses, Nonforcible”: Incest, Statutory Rape. Moreover, please note that under the most

35. “Sexual exploitation” refers to specific forms of sexual misconduct and occurs when an individual takes non-consensual or abusive sexual advantage of another’s nudity or sexuality for their benefit or to benefit a third party. Examples of sexual exploitation include but are not limited to:

- prostituting another individual
- non-consensual observation, photographing or video or audio recording of sexual activity of another individual or of another individual who is in a state of undress, or in a place and time where such person has a reasonable expectation of privacy, without the individual’s consent
- exceeding the boundaries of consent with another individual (such as permitting others to secretly observe you engaging in consensual sex)
- inducing or attempting to induce the incapacitation in another individual for purposes of compromising that individual’s ability to give Affirmative Consent to sexual activity
- employment of another individual or achievement related inducements
- knowingly exposing another person to a sexually transmitted infection or virus without the other individual knowledge
- disseminating, streaming or posting sexual activity of any form on social media or any other public forum without permission from the other individual
- non-consensual texting of sexual activity or images of another individual
- distributing intimate sexual information about another individual

36. “Sexual harassment” is an unlawful form of discrimination that may be committed by any individual upon another, regardless of that individual’s sex, sexual orientation, gender identity, or gender expression. The term “sexual harassment” has various definitions including under applicable laws and by various bodies, including the U.S. Department of Education and the U.S. Equal Employment Opportunity Commission (“EEOC”). However, conduct can meet both of these definitions:

- Under Title IX, specifically 34 C.F.R. § 106.30, “sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:
 1. A College employee conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct;

recent NIBRS, failure to register as a sex offender is also considered a sex offense and is defines as failing to register or keep current a registration as required by state and federal laws.

2. 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;⁹ or

⁹ Categories 1 and 3 do not require elements of severity, pervasiveness, or objective offensiveness. Severity, pervasiveness, and objective offensiveness must be evaluated in light of the known circumstances and depend on the

3. Sexual assault, dating violence, domestic violence, or stalking as defined herein.
 - o To fall under Title IX, the sexual harassment must have occurred during the College's education program or activity against a person in the United States. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the College's education program or activity.
 - Under Title VII, it is unlawful to harass a person because of that person's sex. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, *or* offensive working environment.
- 37. "Sexual misconduct"** is a broad term that encompasses a wide range of prohibited behaviors and a term used to refer to any form of sex/gender-based discrimination, sex/gender-based harassment, all forms of sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, stalking, and any other form of nonconsensual sexual act or sexual contact prohibited by this Policy. Throughout this Policy, sexual misconduct encompasses retaliation as defined above.
- 38. "Stalking"** as defined by WAVA at 34 U.S.C. § 12291(a)(30), means a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.
- 39. "Supportive measures"** are non-disciplinary and non-punitive individualized services offered as appropriate and reasonably available, without fee or charge to the parties before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or to deter sexual misconduct and/or retaliation. Supportive measures can include various forms or services as set forth below.
- 40. "Title IX Coordinator"** means the Title IX Coordinator and/or their designee(s). The Title IX Coordinator may delegate certain responsibilities under this Policy to Designees, who will be appropriately trained.

facts of each situation but must be determined from the perspective of a reasonable person standing in the shoes of the Complainant.