



SPARTAN TITLE IX GRIEVANCE PROCEDURES

1. Overview and Applicability

Effective August 1, 2024, these Grievance Procedures (“Procedures”) will be followed by the Spartan College of Aeronautics and Technology (“Spartan” or “the College”) in responding to reports of violations of its Sex Discrimination Policy (“the Policy”). As defined in the Policy, “Sex Discrimination” is a broad category that includes Sex-Based Harassment. These procedures are not retroactive and reports of conduct that is alleged to have occurred prior to August 1, 2024, fall under the jurisdiction of Spartan’s 2020 Policy and respective Procedures.

2. Definitions

Capitalized terms in these Procedures are defined in the Policy and any additional terms may be defined within these Procedures.

3. Fairness and Impartiality

All individuals responsible for administration of the grievance process must practice fairness and impartiality in all respects. Serving impartially includes avoiding prejudice of the facts at issue, conflicts of interest, and bias towards one Party or another, or towards Complainants or Respondents, members of one sex or another, or members of a Protected Class, generally.

4. Anonymity and Confidentiality in Grievance Proceedings

Any person or Party may report conduct violating the Policy anonymously; however, the College may not be able to respond to the report effectively if the identity of the reporter is unknown. Anonymous reports may be made to the Title IX Coordinator or to law enforcement.

The College is subject to confidentiality requirements set forth in the Policy. In addition, the College will protect the privacy of a Party’s medical, psychological, and similar treatment records, and the College will not access or use such records without first obtaining the party’s voluntary, written consent to do so, except for disclosures of evidence as required by the Grievance Procedures and disclosures required by law.

All College employees who are not Parties to a Complaint are expected to maintain confidentiality of all information gained through the grievance process except to the extent necessary to comply with the Policy, Grievance Procedures and applicable law. This obligation continues indefinitely after the proceeding is complete. Witnesses and participants other than the Parties in the grievance process who are subject to the College’s jurisdiction are likewise bound to maintain confidentiality, except to the extent that such restriction would impair the Parties’ ability to obtain

evidence, consult with certain individuals, prepare for or participate in the Grievance Procedures, or consult with their family members, confidential resources, or Advisors.

5. Jurisdiction

These Procedures are followed when the College has jurisdiction over the alleged misconduct and those involved. Upon receiving a report of alleged conduct that potentially violates the Policy, the Title IX Coordinator must first determine whether the College has jurisdiction over the Parties and the alleged conduct by considering:

- Whether the Parties are subject to the College's authority to impose disciplinary sanctions for the conduct alleged, or, if disciplinary sanctions cannot be imposed, take other action such as providing Supportive Measures, or modifying or terminating a contract with a third party.
- Whether the alleged conduct would, if proven, constitute a violation of the Policy.
- If the alleged conduct is not within the College's jurisdiction, the matter is typically dismissed consistent with the dismissal provision in these Procedures. If applicable, the conduct may be referred to the appropriate College office for resolution.

6. Presumption of Innocence

In all cases, there is presumption that the Respondent is not responsible for the alleged Sex Discrimination until a determination is made by a preponderance of the evidence at the conclusion of the Grievance Procedures.

7. The Title IX Coordinator

Upon being notified of conduct that may constitute Sex Discrimination under Title IX and as to which there appears to be jurisdiction, the Title IX Coordinator must:

- Treat the Complainant and Respondent equitably.
- Perform the initial evaluation.
- Offer and coordinate Supportive Measures, as appropriate, for the Complainant. If the College has initiated Grievance Procedures or offered an informal resolution process to the Respondent, the Title IX Coordinator must also offer and coordinate Supportive Measures, as appropriate, for the Respondent.
- Notify the Complainant, or if the Complainant is unknown, the individual who reported the conduct, of resources and the Title IX Grievance Procedures including the informal resolution process, if available and appropriate.
- If a Complaint is made, notify the Respondent of the Title IX Grievance Procedures and the informal resolution process, if available and appropriate.
- Regardless of whether a Complaint is initiated, take appropriate, prompt and effective steps to ensure that Sex Discrimination does not continue or recur within

the College's Education program or Activity, in addition to providing remedies to an individual Complainant.

- Diligently follow these Grievance Procedures to their conclusion.

8. Initial Evaluation

Upon receipt of a report of Sex Discrimination, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of and the Complainant's wishes with respect to Supportive Measures and explain the process for filing a Formal Complaint.

As part of the intake assessment, the Title IX Coordinator will typically:

- Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the Complainant, the Respondent, any witness and/or any other individual with knowledge of the reported incident;
- Assess the nature and circumstances of the report to determine whether the reported conduct raises a potential Policy violation, and whether the reported conduct is within the scope of the Policy;
- Address immediate physical safety and emotional well-being;
- Notify the Complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;
- Notify the Complainant of the right to seek medical treatment;
- Notify the Complainant of the importance of preservation of evidence;
- Consult with the other College administrators as appropriate;
- Refer the report to SPARTAN police to enter the report into the College's daily crime log if required, and assess the reported conduct and discern the need for a timely warning under the Clery Act;
- Provide the Complainant with written information about campus and community resources;
- Notify the Complainant of the right to reasonable Supportive Measures regardless of whether they choose to file a formal Complaint;
- Provide the Complainant with an explanation of the procedural options, including informal resolution and formal resolution;
- Notify the Complainant of the right to be accompanied at any meeting by an Advisor of their choice;
- Assess the available information for any pattern of alleged conduct by Respondent;
- Discuss the Complainant's expressed preference for the manner of resolution and any barriers to proceeding (e.g., confidentiality concerns);
- Explain the College's policy prohibiting Retaliation and how to report acts of Retaliation;
- Determine the age of the Complainant; and if the Complainant is a minor, make the appropriate report of suspected abuse consistent with Colorado law or College policy for protection of minors;
- Determine whether there is jurisdiction over the Parties and the conduct.

If the Title IX Coordinator has determined that there is jurisdiction over the Parties and the alleged conduct, the Title IX Coordinator will:

- Offer and coordinate Supportive Measures for the Complainant, as appropriate.
- Notify the Complainant, or the person who reported the allegations, if appropriate, of the resolution processes, an Informal Resolution option, or the Resolution Process described below.
- Seek to determine whether the Complainant wishes to make a Complaint.
- If Complainant wishes to make a Complaint, notify the Respondent of the allegations made and resolution processes, including a supportive and remedial response as it pertains to them, an Informal Resolution option, or the Resolution Process described below, if a Complaint is made.

Following the initial evaluation the Complaint may either be dismissed or investigated, if it is not resolved informally. If the matter is assigned to an Investigator, the Title IX Coordinator retains overall responsibility for compliance with these Grievance Procedures.

9. Supportive Measures

In all cases under these Procedures, the Title IX Coordinator will offer the Complainant and Respondent Supportive Measures to restore or preserve that Party's access to the College's Education Program or Activity, including measures that are designed to protect the safety of the Parties and/or the College's educational environment; and provide support during the Grievance Procedures.

The range of Supportive Measures that may be determined appropriate by the Title IX Coordinator includes but is not limited to:

- Facilitating access to counseling and medical services, if available.
- Guidance in obtaining a sexual assault forensic examination.
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines.
- Academic support.
- Assistance in requesting long-term academic accommodations if the individual qualifies as an individual with a disability.
- Change in class schedule, including the ability to transfer course sections or withdraw from a course.
- Allowing either a Complainant or a Respondent to drop a class in which both Parties are enrolled in the same section without penalty.
- Changes in the Complainant's or Respondent's work schedule or job and/or leadership assignments.
- Changes in campus housing, if applicable.
- Escort and other safety planning steps, such as increased security and monitoring of certain areas of the campus.
- Mutual "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals.

- Voluntary leave of absence.
- Referral to resources to assist in obtaining a protective order.
- Referral to resources to assist with any financial aid, visa or immigration concerns.
- Limiting an individual's access to certain College facilities or activities.
- Training and education programs related to sex-based harassment.
- Any other remedial measure, as appropriate, that is non-disciplinary, non-punitive, and does not unreasonably burden any Party's access to the College's Education Programs and Activities.

10. Helping a Complainant to Understand Resolution Options

If the Complainant indicates they wish to initiate a Complaint the Title IX Coordinator will inform the Complainant of options including:

- Providing the Complainant with a supportive and remedial response;
- Explaining the Informal Resolution process, if applicable; and
- Explaining the Formal Resolution process.

If the Complainant chooses not to make a Complaint, no formal or informal resolution process will commence at that time unless the Title IX Coordinator decides to initiate a Complaint as described below. The Complainant may decide to make a Complaint at a later date, so long as the College has jurisdiction over the Respondent and/or the alleged reported conduct has not already been investigated and adjudicated.

11. College-Initiated Complaints

If the Complainant chooses not to make a Complaint or withdraws all or some of the allegations in the Complaint, the Title IX Coordinator must determine whether to initiate a Complaint on behalf of the College. Relevant factors will be considered including, but not limited to:

- The Complainant's request not to proceed with initiation of a Complaint.
- The Complainant's reasonable safety concerns regarding initiation of a Complaint.
- The risk that additional acts violating the Policy would occur if a Complaint is not initiated.
- The severity of the alleged Policy violation, including whether the allegations, if established, would require the removal of a Respondent from campus or imposition of another Disciplinary Sanction to end the misconduct and prevent its recurrence.
- The age and relationship of the Parties, including whether the Respondent is an employee of the College.
- The scope of the alleged policy violation, including information suggesting a pattern or ongoing policy violation, or conduct alleged to have impacted multiple individuals.
- The availability of evidence to assist a decision-maker in determining whether a policy violation occurred.

- Whether the College could end the alleged conduct and prevent its recurrence without initiating Grievance Procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, a potential pattern of behavior, or that the conduct as alleged prevents the College from ensuring equal access on the basis of sex to an Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator decides to initiate a Complaint, they must first notify the Complainant of the decision to do so and appropriately address the Complainant's reasonable concerns about the Complainant's safety. If the Title IX Coordinator chooses to initiate a Complaint, they do not become the Complainant. The Complainant remains the person who experienced the alleged conduct that could constitute a violation of the Policy.

12. Consolidation of Complaints and Collateral Misconduct

The College may consolidate Complaints of Sex Discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references in these Procedures to Party, Complainant, or Respondent include the plural, as applicable.

Collateral misconduct includes potential violations of other College policies not incorporated into the Policy that occur in conjunction with alleged violations of the Policy, or during the investigation and adjudication process, and as to which it makes sense to combine all allegations and provide one resolution. Collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these Procedures.

In such circumstances, the Title IX Coordinator may consult with College officials who typically oversee such conduct to solicit their input as needed on what charges should be filed, but the processing of collateral charges under these procedures is within the discretion of Title IX Coordinator.

All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in applicable College policies, manuals or handbooks.

11. Dismissal of the Complaint

The Title IX Coordinator may decide to dismiss the Complaint at any time prior to the final decision concerning responsibility for violating the Policy, upon any of the following grounds:

- The College is unable to identify the Respondent after taking reasonable steps to do so.
- The Respondent is no longer participating in the College's Education Program or Activity and is not employed by the College.

- A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Title IX Coordinator declines to initiate a Complaint, and the College determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX even if proven.
- The College determines, after clarifying the allegations with the Complainant, that the conduct alleged in the Complaint would not constitute a Policy violation, if proven.

A Decisionmaker can recommend dismissal to the Title IX Coordinator, if they believe the above grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, the College will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations the College will also notify the Respondent of the dismissal.

The dismissal decision is appealable by any Party.

12. Appeal of Dismissal

The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within three College business days of the notification of the dismissal.

The Title IX Coordinator will notify the Parties of any appeal of the dismissal. If, however, the Complainant appeals, but the Respondent was not notified of the Complaint, the Title IX Coordinator must then provide the Respondent with a Notice of Investigation (NOI) and will notify the Respondent of the Complainant's appeal with an opportunity to respond.

Throughout the dismissal appeal process, the College will:

- Implement dismissal appeal procedures equally for the Parties;
- Assign a trained Dismissal Appeal Officer who did not take part in an investigation of the allegations or dismissal of the Complaint;
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal; and
- Notify the Parties of the result of the appeal and the rationale for the result.

The grounds for dismissal appeals are limited to:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was decided;

- The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

Upon receipt of a dismissal appeal in writing from one or more Parties, the Title IX Coordinator will share the petition with the other Party and provide three College business days for other Parties to respond to the request. The appeal must specify at least one of the grounds above and provide any reasons or supporting evidence for why each ground is met. This appeal will be provided in writing to the other Parties, and the Title IX Coordinator, who will be invited to respond in writing. At the conclusion of the response period, the Title IX Coordinator will forward the appeal, as well as any response provided by the other Parties to a designated appeal officer.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be by the appeal officer, and the Parties, their Advisors, and the Title IX Coordinator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in this Policy, then the appeal will notify all Parties and their Advisors, and the Title IX Coordinator, of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The appeal officer has ten (10) College business days to review and decide on the appeal, though extensions can be granted at the discretion of the Title IX Coordinator, and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

The appeal officer may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale for clarification, if needed.

13. Emergency Removal or Interim Suspension of a Student

The College may remove from all or any part of campus, a class or activity, or a residence hall any student accused of Sex Discrimination, including Sex-Based Harassment, upon the Title IX Coordinator obtaining notice or knowledge of the incident, receipt of a Complaint, or at any time during the resolution process. Prior to an emergency removal, the College will conduct an individualized risk assessment and may remove the student only if that assessment determines that an imminent and serious threat to the health or safety of a Complainant or any Students, employees, or other persons arising from the allegations of Sex Discrimination justifies such action. Students accused of other forms of discrimination (not sex) are subject to interim suspension, which can be imposed for safety reasons.

When an emergency removal or interim suspension is imposed, wholly or partially, the affected Student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal or interim suspension within two College business days of the notification. Upon receipt of a challenge, the Title IX Coordinator will meet with the student (and

their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal or interim suspension is appropriate, should be modified, or lifted. If this meeting is not requested within two College business days, objections to the emergency removal or interim suspension will be deemed waived. A Student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

The Respondent may provide information, including witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Title IX Coordinator for review.

An emergency removal or interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Title IX Coordinator will communicate the final decision in writing, typically within five College business days of the review meeting.

14. Placing an Employee on Leave

When the Respondent is a College employee accused of violating the Policy, the employee may be placed on administrative leave in accordance with the applicable policies and procedures for employees of the same type. Such action will be taken only upon a determination that an imminent and serious threat exists to the health or safety of a Complainant or any other person and that placing the employee on administrative leave will help alleviate that threat or prevent recurrences of misconduct.

15. Advisors in the Resolution Process

Throughout these Grievance Procedures, each Party has the right to consult with an Advisor of their choosing, including, but not limited to, an attorney. Each Party may be accompanied by no more than one Advisor to a meeting or proceeding related to the resolution of a report or Complaint under the Policy. The Advisor may provide support and advice to the Party at any meeting or proceeding.

An Advisor may not speak on behalf of a Party or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings and/or proceedings. The College will not unduly delay the scheduling of meetings or proceedings based on an Advisor's unavailability.

An Advisor may be asked to meet with a College administrator in advance of any proceedings to understand the expectations of the role, privacy considerations, and appropriate decorum.

The Party may select whomever they wish to serve as their Advisor, provided the Advisor is available and does not have institutionally conflicting roles (such as being an administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions).

Choosing an Advisor who is also a witness in the process creates potential for bias that may be considered by the Decisionmaker(s).

The Title IX Coordinator will offer to assign a trained Advisor to any Party if the Party so chooses. If the Party chooses an Advisor to be assigned by the College, the College will have trained the Advisor and familiarized them with the College's resolution process. Advisors assigned by the College cannot be Confidential Employees, witnesses, or Title IX Coordinator's in the same matter.

If one Party selects an Advisor who is an attorney, but the other Party chooses not to, or cannot afford an attorney, the College is not obligated to provide an attorney as that Party's Advisor.

A Party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a Party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

If a Party requests that all communication be made through their attorney Advisor instead of to the Party, the College will comply with that request. If the Advisor is not an attorney, all communications from the College will be sent to the Party, except as otherwise stated in these Grievance Procedures.

Advisors should help the Parties to prepare for each meeting. Advisors may not speak on behalf of their Party except as provided in Hearings, below.

Advisors are entitled to the same opportunity as their Party to access relevant evidence and review the Final Investigative Report.

16. Informal Resolution

The Informal Resolution process is completely voluntary by participants and is viewed by the College as a good faith effort for Parties to resolve a report of a Policy violation outside of the formal disciplinary process. In general (other than noted below) participation in the informal resolution process does not result in a finding of responsibility. While participating in an informal resolution process is voluntary, once agreed upon the terms become binding, and adherence to the terms is mandatory.

If the Title IX Coordinator determines that the matter is suitable for informal resolution at any time prior to determining whether Sex Discrimination occurred, the Title IX Coordinator may, in their discretion, offer the Parties the opportunity to proceed with the informal resolution process. If such an offer is made, both Parties must agree to informal resolution. If an informal resolution is not successfully achieved the matter will proceed as a formal resolution. A Party's election to participate in informal resolution is entirely voluntary and may be rescinded at any time prior to the final decision.

If informal resolution is elected by the Parties, the Title IX Coordinator must nevertheless take other appropriate, prompt and effective steps to ensure that Sex Discrimination does not continue or recur within the College's Education Program or Activity.

The informal resolution process may be referred to a trained facilitator identified by the College who is not the same person as the Investigator, Decisionmaker, or Appeal Decisionmaker. The facilitator must not have a conflict of interest or bias for or against any Party or against complainants or respondents generally.

At the outset of the informal resolution process, the Title IX Coordinator will provide the Parties with a notice that explains:

- The allegations.
- The requirements of the informal resolution process.
- Prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume the formal Grievance Procedures.
- That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming College grievance procedures arising from the same allegations.
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties. Potential terms include, but are not limited to: Restrictions on contact between a Party and another Party or person; and
- Restrictions on the Respondent's participation in one or more of the College's programs or activities or attendance at specific events, including restrictions that could have been imposed as remedies or disciplinary sanctions had the Decisionmaker determined at the conclusion of the Grievance Procedures that Sex discrimination occurred.
- What information the College will maintain and whether and how the College could disclose such information for use in grievance procedures if initiated or resumed.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the Informal Resolution process. The Title IX Coordinator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the Informal Resolution.

The Title IX Coordinator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. The results of Complaints resolved by Informal Resolution are not appealable.

If an Informal Resolution option deemed inappropriate by the Title IX Coordinator, or is not requested by Parties or successfully achieved, the College will initiate or continue an investigation and subsequent Resolution Process to determine whether the Policy has been violated.

17. Formal Investigation/Notice of Investigation (NOI)

If the Title IX Coordinator has determined that the Complaint will not be dismissed prior to the initiation of formal resolution procedures, they will provide the Complainant and Respondent with a Notice of Investigation, with sufficient time for the Parties to prepare a response to the NOI before any initial interview of any Party or witness. The NOI will include:

- Links to or copies of these Title IX Grievance Procedures and the Policy.
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex Discrimination under Title IX, if applicable, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the Title IX Coordinator.
- A statement that Retaliation is prohibited.
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. Review of evidence by Parties happens in accordance with
- Additional allegations of Policy violations may be added after the initial NOI is provided. If that occurs, the Title IX Coordinator will provide an updated NOI pertaining to the new allegations to the Parties. If Collateral Misconduct is being investigated, including a description of the alleged conduct and the College Policy that has jurisdiction over the conduct.

18. Investigation Process

All investigations will be conducted thoroughly and impartially. Once an investigation is initiated the Title IX Coordinator will appoint one or more Investigator, who will be trained and may be internal or external to the College, at the sole discretion of the Title IX Coordinator.

Employees (not including Complainant and Respondent) are required to cooperate with and participate in the investigation and resolution process. Student or third-party witnesses are not required to participate but are encouraged to cooperate with investigators and attend hearings if requested.

The Investigator will attempt to interview all Parties and may interview witnesses identified as having information related to the allegations. The Investigator has the discretion to determine which witnesses to interview and is not required to interview all witnesses identified by Parties. Interviews may be conducted in person, via online audio/video platforms, or by telephone. The Investigator will take appropriate steps to ensure the security and privacy of all interviews.

The College will provide equal opportunity for the Parties to present relevant fact witnesses and other inculpatory or exculpatory evidence to the Investigator. Only witnesses who have information related to the allegations will be interviewed. Witnesses identified as solely character witnesses may not be interviewed.

As used herein, in an investigation or hearing “relevant” means related to the allegations of Sex Discrimination under investigation in the matter. Questions are relevant when they seek evidence that may aid in showing whether the alleged Sex Discrimination occurred, and evidence is relevant when it may aid the Decisionmaker in determining whether the alleged Sex Discrimination occurred. Though relevant, some evidence and testimony may be impermissible, as further explained in the Hearings section below.

The Investigator will send the Parties and witnesses written notice of investigative interviews, meetings and hearings.

Parties may submit questions for the Investigator to ask of the other Party(s) and witnesses in advance.

The Investigator will send the Parties and their Advisors a Preliminary Investigation Report and all evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the Parties to inspect, review, and respond to the evidence. The Investigator will consider the response and will determine its relevancy in the Final Investigative Report. The Investigator may seek additional information based on the response at their discretion and in the manner they proscribe.

Following the response of the Parties, the Final Investigative Report will be issued to the Parties and provided to the Decisionmaker.

19. Hearing Process

The College will hold a live hearing before a Decisionmaker to elicit evidence and testimony from the Parties and their witnesses. The Decisionmaker may be a neutral employee of the College or a neutral outside person who is trained in Title IX and conducting Title IX hearings. The Decisionmaker will be impartial and free from actual bias or conflict of interest.

The Complainant and Respondent will be notified in writing of the date, time, and location of the hearing; the charges to be reviewed by the Decisionmaker, including the date, time, location and essential factual allegations concerning the violation; and the provisions of the Policy alleged to have been violated. Respondent and Complainant will be provided the Notice of Hearing at least ten (10) business days prior to the date of the hearing.

Objections to the Decisionmaker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator no later than five (5) business days prior to the hearing. The Title IX Coordinator will determine whether an actual bias or conflict exists.

The Title IX Coordinator will give the Decisionmaker a list of the names of all Parties, witnesses, and Advisors in advance of the hearing. The Decisionmaker will notify the Title IX Coordinator of any potential bias or conflict of interest issues that may be present before commencing the hearing and must do so at any time such issues arise.

The Decisionmaker will be trained regarding the College's policies and procedures; the handling of sexual misconduct cases; how to conduct a hearing; issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant; how to serve impartially; use of technology to facilitate remote hearings; and other relevant issues.

- **Pre-Hearing Conference**

The purpose of the pre-hearing conference for Parties and their Advisors to meet with the Decisionmaker, review the hearing proceedings procedures, the flow of the hearing- including

answering questions Parties and Advisors may have, Parties and witness intention of hearing participation, order of testimony, and pre-rule on relevancy (if presented).

Parties must inform the Title IX Coordinator at least 5 business days before the hearing who the Party's Advisor at the hearing will be. If a Party does not have an Advisor for the hearing, the College will appoint an Advisor at no cost to the Party. The Advisor appointed by the College need not be an attorney.

The Decisionmaker and/or Title IX Coordinator may establish additional pre-hearing procedures not laid out in these Procedures relating to issues such as scheduling, hearing procedures, structure, advance determination of the relevance of certain topics, and other procedural matters. The Decisionmaker may communicate with the Parties prior to the hearing with respect to these issues and establish reasonable, equitable deadlines for Party participation/input, or otherwise address them at the hearing.

The Decisionmaker may invite the Parties to submit the questions or topics the Parties wish to ask or discuss at the hearing, so that the Decisionmaker can rule on their relevance ahead of time. This advance review opportunity does not preclude a question from a Party at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing.

A witness list will be established at this time. While reasonable attempts will be made to encourage witness participation at the hearing the College cannot compel student witnesses or non-employees to participate in the proceedings.

- **Hearing**

The purpose of the hearing is to allow relevant, permissible evidence and exclude irrelevant and impermissible evidence, make findings of fact, weigh the credibility of testimony and evidence, and decide whether the Respondent is responsible for violating the Policy, using the preponderance of the evidence standard. The Decisionmaker determines appropriate sanctions and remedies, if applicable.

The Decisionmaker has the authority and discretion to control all aspects of the hearing including, but not limited to, hearing decorum, sequestration of witnesses other than the Parties, requests from a Party to delay or continue the hearing, admission of evidence and testimony, and statements from the Parties. The Decisionmaker may rule on all procedural matters that arise during the Hearing.

Formal rules of evidence that apply in court proceedings do not apply during the College's administrative hearing. However, presentation and use of evidence is subject to the Evidence provisions of these Grievance Procedures.

- **Hearing Participation**

A Complainant or Respondent is not required to participate in person at the hearing in order for the hearing to proceed. A Decisionmaker can only make a determination based on the relevant information available through the investigation and at the hearing.

At the Decisionmaker's discretion, the College may, or upon the request of either Party it will, conduct the live hearing with the Parties physically present in separate locations. In such cases, technology must be used to enable the Decisionmaker and parties to simultaneously see and hear the Party or the witness while that person is speaking.

If, despite being notified of the date, time, and location of the hearing, the Respondent or Complainant is not in attendance, the hearing will proceed. In that case, the Decisionmaker will consider the available testimony and evidence, including the investigative file. In the absence of clear evidence that emergency circumstances beyond the control of the Complainant or Respondent prevented such person from being present, the final determination of the Decisionmaker will stand.

- **Hearing Decorum**

The College has established expectations for hearing decorum which is shared with the Parties, Advisors and witnesses prior to the Hearing. The Decisionmaker has wide discretion over matters of decorum at the hearing, including the authority to excuse from the hearing process participants who are unwilling to observe rules of decorum. If a Party's Advisor does not abide by the rules of decorum, the Advisor may be subject to removal and the College will appoint a new Advisor for the Party for the remainder of the hearing.

Objections are prohibited, the Decisionmaker is the sole determiner of relevancy and permissibility.

The following behaviors will not be tolerated during the hearing: yelling, verbal abuse, disruptive behavior, interrupting or talking over one another, name calling, or using profane or vulgar language (except where such language is relevant).

Any participant in the hearing who is not currently involved in questioning should refrain from disrupting the hearing, making gestures, facial expressions, audible comments or expressions, or the like, as manifestations of approval or disapproval during any testimony.

- **Questioning Witnesses**

The Decisionmaker may allow each Party to propose such questions that the Party wants asked of any Party or witness and have those questions asked by the Decisionmaker. The Decisionmaker will determine if the proposed questions are relevant and whether to ask them of the Party or witness. All questions will be asked by the Decisionmaker rather than a Party or Advisor directly.

In general, only witnesses who were identified and interviewed as part of the investigation may be called at the hearing. Under very limited circumstances, the Complainant, Respondent or Decisionmaker may identify a witness with relevant information who has not previously been interviewed. In such cases, the Decisionmaker will determine whether the new witness's participation at the hearing is relevant and appropriate under the circumstances, and if so, may allow the witness to participate in the hearing or refer the matter to the Investigator for additional investigation.

- **Hearing Sequence and Cross-Examination**

The Decisionmaker has wide discretion to determine the order of the hearing. Subject to the discretion of the Decisionmaker, hearings will ordinarily begin with introductory remarks by the Decisionmaker, followed by the Decisionmaker asking relevant initial questions of the parties as deemed appropriate by the Decisionmaker. During this portion of the hearing, an Advisor may confer privately and in a non-disruptive manner with their advisee, but they are not allowed to make opening statements or otherwise address the Decisionmaker or anyone else present at the hearing. Private breakout rooms are provided for Parties to meet with their Advisors.

The Decisionmaker may then proceed to question the Parties. After the Decisionmaker has asked their initial questions of the Parties, the Decisionmaker may ask the other Party if they have any cross-examination questions they wish for the Decisionmaker to ask. The Decisionmaker may determine if the question is relevant before deciding to ask the question.

Direct examination is not permitted. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decisionmaker will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Advisors are not permitted to object to the Decisionmaker's decisions regarding relevance during a hearing. In general, the Decisionmaker will not consider statements of personal opinion or statements as to any party's general reputation for any character trait as relevant.

The hearing will be recorded by audio/visual means and the recording or transcript will be made available to the Parties and their Advisors.

The hearing will be closed to the spectators. Appropriate College personnel may be present at the hearing, as can legal counsel for the College for the limited purpose of advising the Decisionmaker with regard to procedure if needed during the hearing. The Complainant and the Respondent are each allowed to have one Advisor of their choice present throughout the hearing process. The College shall keep a transcript or audio or audiovisual recording of the hearing. Any other recording is prohibited. No camera, TV, or other equipment, including cellphones, will be permitted in the hearing room except as arranged by the College. The Parties may request to inspect and review the transcript or audio/audiovisual recording after it is completed.

- **Evidence and Testimony**

The Decisionmaker may prohibit questions that are unclear or harassing of the person being questioned and will prohibit or choose not to consider evidence and testimony they determine is irrelevant.

The Decisionmaker and the Investigator will exclude the following types of evidence and questions related to such evidence:

- Evidence that is protected under a privilege as recognized by federal or state law or evidence provided to a Confidential Employee, unless the person to whom the

privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

- Records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to a Party or witness, unless the College obtains that Party's or witness's voluntary, written consent for use in the Grievance Procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the Complainant's consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

20. Written Decision of the Decisionmaker

Regardless of their participation in the Formal Resolution process, the Decisionmaker will provide both the Complainant and Respondent the written Notice of Decision simultaneously, either directly or through the Title IX Coordinator. The outcome letter will include the following:

- Identification of the allegations potentially constituting Sex Discrimination.
- 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. The Title IX Coordinator or Investigator will provide this information to be included in the Written Decision.
- Findings of fact supporting the determination.
- Conclusions regarding the application of this Policy to the facts.
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.
- Information about the appeal process.

21. Disciplinary Sanctions

Disciplinary sanctions will not be imposed until any appeal process is final. This does not require the College to refrain from imposing or continuing any emergency removal, administrative leave or Supportive Measures.

Sanctions are determined by the Decisionmaker, who may consider a number of factors including:

- The nature of the conduct at issue;
- The impact of the conduct on the Complainant;

- The impact on, or implications of the conduct for, the College community;
- Prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, both at the College or elsewhere, and any criminal convictions, if such information is available and known;
- Maintenance of a safe and respectful environment conducive to learning;
- Protection of the College community;
- The necessity of any specific action in order to eliminate the Sex Discrimination, prevent its recurrence and remedy its effects on the Complainant or other College Community Members; and,
- Any mitigating, aggravating, or compelling circumstances pertinent to reaching a just and appropriate resolution.

The Decisionmaker may also consider restorative outcomes that, taking into account the safety of the College community as a whole, allow a Respondent to develop insight about their responsibility for the behavior, learn about the impact of the behavior on the Complainant and the community, and identify how to prevent or change the behavior. A combination of sanctions may be issued.

Student sanctions may include any or all of the following:

- *Reprimand*: A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive may result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in counseling to better comprehend the misconduct and its effects.
- *College Restrictions*: A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars.
- *Probation*: An official sanction for violation of institutional Policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any College policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Separation from the institution, or one or more of its facilities, for a definite period of time. Eligibility to return may be contingent upon satisfaction of specific conditions noted at the time of suspension, on successfully applying for readmission, or upon a general condition that the student is eligible to return if the institution determines it is appropriate to re-enroll/readmit the student. During an institution-wide suspension, the student is banned from institutional property, functions, events, and activities unless they receive prior written approval from an appropriate institutional official.

- *Expulsion*: Permanent separation from the institution. The student is banned from institutional property, and the student's presence at any institution-sponsored activity or event is prohibited.
- *Withholding Diploma*: The College may withhold a student's degree for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for violating the Policy.
- *Revocation of Degree*: While very rarely employed, Spartan reserves the right to revoke a degree previously awarded from the Recipient for fraud, misrepresentation, and/or other violation of Recipient policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Other Actions*: In addition to, or in place of, the above sanctions, the College may assign any other student sanctions as deemed appropriate.

Employee sanctions may include the following:

- Verbal or Written Warning
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Shift or schedule adjustments
- Reassignment
- Delay of (or referral for delay of) promotion
- Assignment to New Supervisor
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.

22. Appeals

Either Party may appeal the final determination of responsibility as to whether any policy violation occurred. Appeals must be requested in writing to the Title IX Coordinator within five College business days after the date on which the final decision of the Decisionmaker is provided to the Parties.

The bases for an appeal of a dismissal or decision are limited to:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based harassment occurred or dismissal was made; and
- The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

Appeals are submitted in writing and there are no appeal hearings. The appeal will be heard by an appeal officer designated by the Title IX Coordinator.

23. Recordkeeping

The College will maintain records of all reports of Sex Discrimination received; Complaints and all proceedings conducted under this Policy and the Grievance Procedures; and all training materials for a period of seven years from the date that the matter is final, including the determination of sanctions and any appeals.

24. Training

1. The College will provide training to those involved in the Title IX process and College Community Members, as follows.
 - All Spartan employees must be trained upon hiring and annually thereafter on:
 - The College's obligation to address Sex Discrimination in its Education Program or Activity;
 - The scope of conduct that constitutes Sex Discrimination under Title IX , including the definition of Sex-Based Harassment; and
 - All applicable notification and information requirements under Title IX, the Policy and these Procedures.
 - Investigators, Decisionmakers, and other persons who are responsible for implementing these Grievance Procedures or have the authority to modify or terminate supportive measures must additionally be trained on the following topics to the extent related to their responsibilities:
 - The College's obligations to respond to reports of Sex Discrimination under the Policy and Title IX;

- These Grievance Procedures;
 - How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
 - The meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under these Procedures.
- Facilitators in the informal resolution process must also be trained in the rules and practices pertaining to informal resolution, and how to serve impartially.
 - The Title IX Coordinator, Deputy Title IX Coordinators, and their designees must also must be trained on their specific responsibilities with respect to:
 - Coordinating the College’s Title IX compliance program.
 - Recordkeeping requirements and procedures.

25. Pregnancy

When a report is received from a Student or the Student’s parent or other legal representative, the Title IX Coordinator or designee will inform the Student that:

- The Student may voluntarily participate in a separate and comparable portion of an Education Program or Activity (for example, another class section).
- The Student may request reasonable modifications to the College’s policies, practices or procedures as necessary to prevent Sex Discrimination and ensure equal access to the Education Program or Activity, based on the Student’s individualized needs, after consulting with the Student. The Student may accept or decline each reasonable modification offered, and the College will implement those the Student accepts. Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling services; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.
- That the Student is allowed to voluntarily take a leave of absence from the College or any portion of its Education Program or Activity to cover the time deemed medically necessary by the Student’s licensed healthcare provider (or a longer period of time if another College policy provides for it). When the Student returns from leave, they must be reinstated to their same academic status and, to the extent practicable, to the extracurricular status that they held when the voluntary leave began.

- That the Student can access a lactation space, other than a bathroom, that is clean, shielded from view, free from intrusion of others, and may be used for expressing breast milk or breastfeeding as needed.
- In providing these reasonable modifications, the College may refer the Student to Disability and/or other College Resources. The College will not require supporting documentation from the Student, except for what's necessary to determine the reasonable modifications to make or whether to take additional specific actions.

26. Procedural Amendments

The College may amend these procedures in its discretion. Amendments will be applied to future reports of conduct addressed under this Policy and will not be retroactively applied to active cases.