

Sexual Misconduct Policy Language Example

By Anne Williams for the ABMP School Forum, 2019

Introduction to this document

The #MeToo Movement (www.metoomvmt.org) has inspired a swift response to policy needs in post-secondary education. Universities and community colleges across the country are updating their sexual misconduct policies to better reflect Title IX and the Clery Act (described later in this document). Education accreditation organizations are on the front lines of ensuring schools embrace policies and procedures that uphold these education amendments to sexual harassment law. Even schools that do not distribute federal financial aid are facing increased scrutiny at the local and state level as more emphasis is placed on ensuring that campuses are gender-safe places for learning.

In 2018, I researched and wrote four informational webinars on preventing sexual misconduct in the massage profession for ABMP. This process was incredibly informative, challenging, and immediate, because our national understanding of sexual violence is rapidly evolving.

This document seeks to support schools in adopting a sexual misconduct policy for their campus. The language is based on the recommendation of the organization, Know Your IX (www.knowyourix.org). This advocacy group works with survivors and post-secondary institutions to define and implement best practices for preventing and responding to sexual misconduct. I used the current policies of a number of outstanding universities as models of Know Your IX tenets in actions, and then did my best to adapt them to the realities of massage schools where broad-based survivor support resources like on-campus rape clinics are not always practical.

Each school should review city, state, and national laws and policies related to Title IX and the Clery Act, and then update their sexual misconduct policy. I hope this document provides your school with a helpful starting point for this process.

INTRODUCTION

(School Name) prohibits sexual discrimination, sexual harassment, sexual assault, intimate partner violence, dating violence, stalking, and retaliation. The term *sexual misconduct* is used here to encompass all of these behaviors. It applies to any behavior of a sexual nature that is inappropriate given the circumstances, committed without consent, or committed by force, intimidation, coercion, or manipulation. This policy applies to all (School Name) community members, including students, faculty, administrators, guest instructors, guest speakers, vendors, independent contractors, off-campus supervisors, and visitors to the campus. This policy applies

regardless of the sexual orientation, gender expression, or gender identity of the parties involved.

(School Name) takes allegations of sexual misconduct seriously and has established procedures for the reporting and prompt, fair, and impartial adjudication of sexual misconduct complaints, from the initial investigation to the final result. This policy defines terms, describes behaviors that may constitute sexual misconduct, identifies the Title IX Coordinator and Deputy Title IX Coordinator, outlines reporting protocols and confidentiality, describes the complaint investigation and adjudication process, outlines survivor accommodations, and provides additional community resource contacts.

DEFINITIONS

Legal definitions related to sexual misconduct vary state to state. In this (School Name) policy, these terms mean:

- **Affirmative Consent:** Words and overt actions indicating agreement to participate in sexual acts.
- **Capacity for Consent:** The legal ability to consent to sexual acts. A person's capacity for legal consent is based on age, developmental disability, intoxication, physical disability, the power differential between the perpetrator and survivor, unconsciousness (e.g., sedation, sleeping, etc.), or level of vulnerability (e.g., an adult dependent on others for care).
- **Complaint:** A verbal or written statement that a situation is unacceptable.
- **Complainant:** A complainant is one who reports an allegation of sexual misconduct to (School Name) and initiates (School Name's) sexual misconduct adjudication process. A complainant may be the survivor of sexual misconduct, a bystander, or any other person with reliable information about alleged sexual misconduct. A complainant need not be a member of (School Name's) community so long as (School Name) has jurisdiction over the person accused of sexual misconduct (e.g., a client in the school student clinic could be a complainant, etc.).
- **Consent:** Agreement to sexual acts. A person must be legally capable to give consent and consent must be affirmative and freely given.
- **Civil Case:** A civil case is a lawsuit brought by an individual citizen (called a plaintiff) against another citizen (called a defendant) seeking compensation for harm done to the plaintiff. The disagreement is settled by a judge in court.
- **Criminal Case:** A criminal case is brought by the government on behalf of the people when a person is accused of a crime.
- **Formal Complaint:** A verbal or written complaint made to (School Name) staff, law enforcement, state or federal agencies, or all of these, reporting that alleged sexual misconduct has occurred or is occurring.

- **Freely Given Consent:** Freely given consent means a person offered his/her consent to sexual acts of their own free will, without being induced by fraud, coercion, violence, or the threat of violence.
- **Impact Statement:** A written statement, provided during a complaint proceeding, which describes the harmful effects produced by the actions of an accused or convicted party and suffered by the survivor or others, offered especially for consideration by the panel deciding an appropriate punishment.
- **Informal Complaint:** A complaint made by one person verbally or by letter, text message, or email alerting another that his or her attentions or behavior is unwelcome and unwanted. So long as the behavior is not repeated, the situation is resolved.
- **Preponderance of Evidence Standard:** One type of evidentiary standard used in a burden of proof analysis typically to make a decision in civil cases. In the preponderance of evidence standard, the proof need only show that the facts are more likely to be than not to be.
- **Respondent:** A respondent is an individual accused of sexual misconduct in a complaint filed with (School Name).
- **Retaliation:** The action of inflicting hurt or harm on someone for a perceived injury or wrong suffered at their hands. Forms of retaliation include ridicule by classmates or the teacher, loss of educational opportunities, poor grades on adequate work, and others.
- **Sexual Abuse:** Sexual abuse most often describes an adult forcing themselves on a child, on an elderly person, on a person with a mental disability, or on a patient.
- **Sexual Assault:** Sexual assault most often describes unwanted sexual touching that occurs when one adult forces themselves on another.
- **Sexual Discrimination:** Unequal treatment based on gender or gender identity.
- **Sexual Exploitation:** An adult using the power they derive from their status in a situation to coerce sexual conduct from another.
- **Sexual Exploitation by a Helping Professional:** When a professional in a helping role uses the trust a client/patient inherently places in them to manipulate the client/patient sexually.
- **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to, or rejection of, this conduct explicitly or implicitly affects an individual's employment or education, unreasonably interferes with an individual's work or school performance, or creates an intimidating, hostile, or offensive work or education environment.
- **Sexual Misconduct:** A general term encompassing any behavior of a sexual nature that is inappropriate given the circumstances, committed without consent, or committed by force, intimidation, coercion, or manipulation.

- **Sexual Violence:** A broad umbrella term that encompasses more serious sexual behaviors including sexual assault, sexual abuse, and sexual exploitation.
- **Stalking:** The act or crime of willfully and repeatedly following or harassing another person in circumstances that would cause a reasonable person to fear injury or death, especially because of express or implied threats.

PROHIBITED BEHAVIORS

At (School Name), these behaviors are prohibited. Administrators, teachers, staff, and students must refrain from these behaviors at all times while on campus or during school-related activities off campus. (School Name) will investigate and adjudicate any sexual misconduct complaints occurring between school community members during school and non-school related activities. Prohibited behaviors include:

1. Sexual innuendo: Sexual innuendo is the subtle or indirect implication of sexual interest, or communication suggesting something sexual. Behaviors consistent with sexual innuendo include:
 - a. Use of nicknames with a sexual connotation or use of any nickname when it is unwanted by the person to which it is assigned
 - b. Comments about another person's appearance, face, hair, mouth, or body
 - c. Comments that infer that another person has a sexual nature
2. Unnecessary physical contact: Unnecessary physical contact is any form of touch that is uninvited. Behaviors consistent with unnecessary physical contact include:
 - a. An unasked for hand on the shoulder, forearm, or small of the back
 - b. An unasked for neck massage
 - c. Leaning over another person and making needless body contact
 - d. Touching another's hair or clothing without their permission
 - e. Rubbing the body against another in passing
 - f. Patting or stroking another person without their consent
 - g. Leaning or bracing against a massage client while he or she is on the massage table
3. Sexually suggestive looks, sounds, or gestures including:
 - a. Winking
 - b. Throwing kisses
 - c. Making kissing sounds
 - d. Making kissing motions

- e. Whistling
 - f. Making sounds that suggest sexual intercourse
 - g. Making sexual gestures with the hands or through body movements
4. Using one's physical presence to prevent another from moving easily out of an enclosed space or through a door.
 5. Unwanted text messages (with or without sexual content).
 6. Unwanted email messages (with or without sexual content).
 7. Unwanted phone calls or phone messages (with or without sexual content).
 8. Showing up at another's home or workplace without an invitation.
 9. Sharing magazines, websites, or videos that include sexual content.
 10. Telling jokes about sex or gender-specific traits.
 11. Sexual slurs, name calling, or derogatory language directed at another person's sexuality, gender, gender identify, sexual orientation, or gender expression.
 12. Insults or threats based on sex, gender, gender identify, sexual orientation, or gender expression.
 13. Written graffiti or the display or distribution of sexually explicit drawings, pictures, video, or written materials.
 14. Sexual talk including:
 - a. Sharing one's own sex life publicly
 - b. Asking another about their sexual fantasies, preferences, or history
 - c. Turning school discussions to sexual topics
 - d. Spreading gossip about another's sex life, sexual orientation, or perceived sexual nature
 - e. General sexual banter in school settings
 15. Improper romantic relationships: All relationships where an imbalance of power is present are prohibited because they may influence a subordinate's employment or academic standing. Therefore, (School Name) prohibits romantic relationships between any employee and any student. Additionally, (School Name) expects all supervisory staff and all faculty to avoid engaging in romantic relationships with individuals over whom they exercise or have the potential to exercise, power.
 16. Touching oneself in a sexual manner or performing masturbation in front of another who does not consent.
 17. Exposing one's body unnecessarily to another. It is never appropriate to expose one's breasts, genitals, anus, or buttocks to another. It is not appropriate to expose another's breasts, genitals, or anus through poor draping. The buttocks of the client may be

exposed for the purposes of therapeutic massage with the consent of both client and practitioner. However, in accordance with common massage practice, the gluteal cleft may not be exposed at any time.

18. Placing pressure on someone else to perform sexual favors such as pressure to perform oral sex, pressure to touch the other, or pressure to allow or participate in kissing.
19. Use of a position of power or authority to threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting sexual misconduct, or the promise of rewards in return for sexual favors.
20. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.
21. Recording images (e.g., video, photograph), audio, or otherwise of another person's sexual activity, intimate body parts, or the person in a state of undress.
22. Even if a person consented to sexual activity, consent must also be given to any photographing or recording of sexual activity. In addition, even if a person consented to photographing or recording of sexual activity, consent must also be given for any distribution of that material.
23. Viewing another person's sexual activity, intimate body parts, or the person in a state of undress in a place where that person would have a reasonable expectation of privacy.
24. Stalking: Any course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to suffer emotional distress or to fear for their safety or the safety of another. Stalking behaviors include unwanted communication, following, monitoring, observing, surveilling, threatening, or interfering with a person's property.
25. Cyberstalking: Any course of conduct (two or more acts) directed at a specific person utilizing electronic media such as the internet, social networks, blogs, texts, or other similar forms of contact used to pursue, harass, or make unwelcome contact with the targeted person.
26. Unsolicited sexual touching without the consent of the other person including:
 - a. Touching a woman's breasts without consent
 - b. Touching a man or woman's buttocks without consent
 - c. Touching a man or woman's genitals without consent
 - d. Forcibly hugging, kissing, or holding someone down
27. Rape: Consistent with state and federal laws, rape means penetration of the vagina, anus, or mouth of another person, with or without force, by a sex organ, other body part, or foreign object, without the consent of the victim.
28. Retaliation: Consistent with state and federal laws, this policy prohibits retaliation against a person for reporting discrimination and harassment, filing a complaint of discrimination or harassment, or participating in the investigation or adjudication of such a complaint. Retaliation is also prohibited against persons who assist others in bringing a complaint of

discrimination or harassment by offering advice and moral support or by giving testimony or documentary evidence in response to a complaint. Retaliation includes but is not limited to:

- a. Acts or words that constitute intimidation, threats, or coercion intended to pressure any individual to participate, not participate, or provide false or misleading information during any proceeding under this policy
 - b. Retaliation may include abuse or violence, other forms of harassment, and/or making false statements about another person in print or verbally with intent to harm their reputation
29. False accusations of sexual misconduct: Any person who brings an intentionally false claim of discrimination or harassment is subject to disciplinary action up to and including expulsion or termination, or other available sanctions. A claim will not be deemed intentionally false merely because there is insufficient evidence to prove a violation of this policy or because it is deemed to be without merit. An intentionally false claim is one made with knowledge beforehand that it is false and with malicious intent toward another person.

TITLE IX COORDINATOR

The Title IX Coordinator for (School Name) is (name) and may be reached by email (email), or phone (phone), or during office hours (office location, office hours). The Title IX Coordinator is responsible for ensuring that (School Name) follows established, prompt, thorough, and equitable processes for addressing allegations of sexual misconduct and discrimination or differential treatment based on sex. The Title IX Coordinator is responsible for providing leadership for compliance with all requirements under Title IX of the Education Amendments of 1972, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Violence Against Woman Act (VAWA), and other federal and state laws and regulations pertaining to sex discrimination, harassment, and sexual violence. The Title IX Coordinator is responsible for creating and implementation of training programs to educate (School Name) community members on measures that eliminate sexual misconduct.

DEPUTY TITLE IX COORDINATOR

The Deputy Title IX Coordinator for (School Name) is (name) and may be reached by email (email), or phone (phone), or during office hours (office location, office hours). The Deputy Title IX Coordinator is responsible for supporting the Title IX Coordinator in their duties by ensuring that (School Name) follows established, prompt, thorough, and equitable processes for addressing allegations of sexual misconduct and discrimination, or differential treatment based on sex. The Deputy Title IX Coordinator may play an integral role in ensuring school compliance with all requirements under Title IX of the Education Amendments of 1972, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Violence Against Woman Act (VAWA), and other federal and state laws and regulations pertaining to sex

discrimination, harassment, and sexual violence. The Deputy Title IX Coordinator may take a leadership role in creating and implementing training programs to educate (School Name) community members on measures that eliminate sexual misconduct.

INFORMAL COMPLAINT INFORMATION AND PROCEDURE

Sometimes a person's sexual behavior is less severe and can be resolved through an informal complaint process. For example, if one person uses sexual innuendo to compliment another on their appearance or sends an email asking another on a date, a formal complaint is probably not necessary. Instead, the person receiving the unwanted attention tells the other verbally or in a letter, text, or email that their behavior is unwelcome and unwanted. So long as the behavior or similar behavior is not repeated, the issue is resolved.

A person receiving unwanted sexual attention or offended by another's sexual behaviors can seek assistance from school staff in an informal complaint process. The school employee may offer support by speaking with the person whose behavior is unwelcome on behalf of the complainant or act as a silent but present support while the complainant informs the other person that their behavior is unwelcome or unwanted. In an informal complaint process, at the direction of the complainant, the school employee may maintain the confidentiality of the alleged perpetrator and complainant.

However, if the unwanted behavior includes any physical contact, involves the use of a weapon, involves a minor, or continues after the completion of an informal complaint procedure, a formal complaint is recommended, and the school employee may be required to report the incident to other school officials. A complainant may change an informal complaint to a formal complaint at any time.

FORMAL COMPLAINT INFORMATION AND PROCEDURE

A formal complaint is a report of sexual misconduct made to a school employee verbally or in writing. The school employee receiving the complaint will complete the (School Name) Sexual Misconduct Complaint Form to obtain all relevant and available information about the complaint from the complainant. All available and relevant information should be documented at this time. However, missing information will not be grounds to prevent investigation by (School Name).

(School Name) encourages individuals to report incidents of sexual misconduct so that any victim of alleged sexual misconduct may gain access to available support and allow the school to respond appropriately to improve campus safety. (School Name) will accept a report of sexual misconduct at any time, but encourages prompt reporting, as resolution options narrow over time, especially if the school no longer has disciplinary jurisdiction over the person accused. Absent a court order, a school employee will not share information with law enforcement without the consent of the survivor of alleged sexual misconduct or unless that person has also reported the incident to law enforcement. A reporter of sexual harassment may request

confidentiality, but the employee or (School Name) may not be able to honor that request in some cases (as described below).

Please note that except for (School Name) counselor (Name), employees (administrators, staff, and faculty) are required to report all relevant details of an alleged incident to other school officials responsible for investigating and adjudicating a complaint.* In all cases, (School Name) will handle information related to allegations and investigations with sensitivity and discretion, and survivors can request confidentiality. (School Name) will not disclose the identity of the survivor or the person accused of sexual misconduct, except as necessary to carry out the investigation and adjudication process, or as permitted or necessary under state or federal law.

(State where the school resides) specifically requires all school staff, regardless of exemptions, to report incidents to law enforcement when the survivor of alleged sexual misconduct is under the age of 18 or has an intellectual disability. If a report of sexual misconduct indicates a serious or ongoing threat to the (School Name) community, (School Name) may be required to issue a timely warning to the community. The warning will not include any information that identifies the reporter or a survivor of alleged sexual misconduct.

When required by law or by court order, or when required to avert a serious threat of danger to a person or property, any of the described employees may reveal otherwise confidential information, including the identities of reporters and survivors of alleged sexual misconduct.

**Note: Other employees may also be exempt from reporting responsibility. For example, if the school has a designated health center or gender resource center, or onsite chaplain, these individuals may be exempt.*

A formal complaint to any nonexempt school staff constitutes a report to (School Name) and obligates (School Name) to take immediate and appropriate steps to investigate the report, resolve the matter promptly and equitably, and remedy the effects of the reported sexual misconduct.

Although (School Name) encourages survivors of alleged sexual misconduct or persons with information regarding sexual misconduct to talk to someone, (School Name) accepts anonymous reports in writing or through voicemail. Such reports are investigated to the degree possible.

All (School Name) community members have the right to pursue complaints of sexual misconduct outside of (School Name's) disciplinary processes and are encouraged to consult local, state, or federal law enforcement agencies, including the local police or the US Department of Education's Office for Civil Rights, regardless of whether they file a complaint with (School Name). School Name will not wait for the conclusion of a criminal investigation to begin its own investigation and resolve complaints under this policy. (School Name) will comply with valid requests by law enforcement for cooperation in a criminal investigation. As such, (School Name) may need to delay temporarily an investigation under this policy while law enforcement investigates. (School Name) will take interim measures to promote the safety and

well-being of the survivor of alleged sexual misconduct and the school community while law enforcement is gathering evidence.

Rights and Expectations During the Complaint Investigation and Adjudication Process

The complainant and respondent will be afforded the same rights and opportunities throughout the investigation and adjudication process, including the opportunity to present evidence and witnesses on their behalf. Complainant and respondent are entitled to have an advisor or support person of their choice (who may be an attorney or someone with legal training) present at any meeting or proceeding related to the investigation and adjudication process under this policy. Advisors may provide guidance, support, or advice to the complainant or respondent privately but may not act as speaking advocates at proceedings. An investigator for (School Name) may bar an advisor from further participation if the advisor becomes disruptive or does not comply with the requirements of this policy. (School Name) does not cover costs associated with a party's choice of advisor.

These additional rights, obligations, and expectations apply to the complaint investigation and adjudication process:

1. **Failure to Cooperate:** In the event a respondent who has been notified of an investigation/adjudication fails to cooperate with the investigator, the investigation may proceed, a finding reached, and a sanction imposed based solely on the other information available. The respondent may be subject to disciplinary action for failing to cooperate.
2. **Mandatory No Contact:** (School Name's) investigation and adjudication process does not permit the complainant and respondent to interact or communicate directly or indirectly with each other at any time during the investigation and/or disciplinary proceedings. (School Name's) Title IX Coordinator or Deputy Title IX Coordinator may take appropriate steps to issue non-contact orders, and/or no-trespass notices, temporary changes in assignment of duties, changes in class schedules or class requirements, transportation accommodations, or other accommodations as appropriate and reasonably available to protect reporting or complaining parties on an interim basis.
3. **Leniency When Appropriate:** Although (School Name) does not condone any violations of (School Name) policy, a report of sexual misconduct or related retaliation is taken very seriously. Accordingly, where appropriate, (School Name) will offer leniency with respect to other policy violations (e.g., minor drug or alcohol violations) that may be revealed as a result of a report of sexual misconduct. The nature and scope of the leniency will depend on the circumstances involved and the appropriate (School Name) staff will have sole discretion in determining the suitable course of action.
4. **Past Sexual History:** The investigation will not include any inquiry into the complainant's sexual history other than with the respondent and as relevant to the allegations at hand.

5. **Commitment to Honesty:** All parties and witnesses are obligated to be completely honest during the course of the entire process set forth in this policy. All participants may be expected to sign statements or other documents memorializing the information they provide. Any person who knowingly makes a false statement—either explicitly or by omission—in connection with any part of the process may be subject to separate (School Name) disciplinary action.
6. **Commitment to Cooperation:** All parties and witnesses are obligated to cooperate with the Title IX Coordinator and any persons charged with implementing this policy. Any person who knowingly interferes with the actions taken to implement the reporting, investigation, or resolution of matters under this policy may be subject to separate (School Name) disciplinary action.
7. **Commitment to Confidentiality:** All parties and witnesses are obligated to maintain the confidentiality of all information and materials they become aware of or possess as a result of their participation in the investigation or adjudication procedures set forth in this policy. The duty of confidentiality continues beyond the conclusion of the case.
8. **Conflict of Interest:** If a complainant or respondent is concerned that any (School Name) official involved in the investigation or adjudication of a complaint may be biased or have a conflict of interest, the concerned party should inform the Title IX Coordinator, Deputy Coordinator, or other appropriate (School Name) official immediately. Students will play no role as investigators or panelists in the investigation and adjudication process.
9. **Special Situations:** (School Name) retains the right to determine if it will address a report of conduct that falls under this policy administratively and outside the process described here when the safety of the (School Name) community is at risk, if the material facts are undisputed, if there are extenuating circumstances involving the complainant or respondent, or if the Title IX Coordinator, in consultation with appropriate administrators, determines it is in the best interests of (School Name) community to do so.
10. **Investigation Without Complaint:** Regardless of whether a complaint is made, (School Name) may investigate health, safety, or welfare concerns involving (School Name) community members including those related to sexual misconduct. The scope of such investigations is determined on a case-by-case basis by (School Name) administration in consultation with legal counsel and may include outside investigators or consultants. Depending on the circumstances, disclosure of the results may be limited.

Complaint Investigation and Adjudication Process

When a (School Name) employee receives notice of alleged misconduct that may constitute a violation of this sexual misconduct prevention policy, (School Name) will initiate the following process:

1. **Document the Complaint:** The (School Name) employee will document the complaint using a sexual misconduct complaint form and obtain the complainant's signature.

Simultaneously, the complainant may submit a detailed written complaint for inclusion in the evidence. This information will remain confidential to the extent possible as described previously.

2. **Alert Title IX Coordinators:** The (School Name) employee will notify the Title IX Coordinator or the Deputy Title IX Coordinator within 24 hours of complaint receipt and deliver to them the written complaint and any other documentation or evidence provided by the complainant.
3. **Determine Policy Violation Possibility:** In cases where the Title IX Coordinator or Deputy Title IX Coordinator believes that the allegations, if proven, would not constitute a violation of this policy, the complainant will be advised of other judicial and support options as appropriate, and no further investigation will be pursued under this policy. If new information is provided to the Title IX Coordinator or Deputy Title IX Coordinator, a decision not to investigate further may be reevaluated.
4. **Notification of Investigation:** The Title IX Coordinator or Deputy Title IX Coordinator will provide a copy of this policy to the complainant and respondent and will inform both parties in writing that (School Name) is investigating an allegation that the respondent engaged in sexual misconduct and/or related retaliation. This will include notification of any additional possible policy violations being investigated in relation to the incident.
5. **Assignment of Investigators:** The Title IX Coordinator or Deputy Title IX Coordinator will assign one or more investigators to the case. The assigned investigator(s) may be an employee of (School Name) and/or an external investigator hired by (School Name) such as someone with legal training. This decision will be informed by the complexity of the case, the availability of internal resources at the time of the investigation, and other reasonable considerations. In either case, the investigator will have appropriate training in investigating cases of alleged sexual misconduct, consistent with federal and state regulation.
6. **Authorization of Investigators:** Investigators are authorized to contact any and all individuals with potentially relevant information and may interview such individuals on more than one occasion if necessary. The nature and scope of the investigation is within the discretion of the Title IX Coordinator or Deputy Title IX Coordinator.
7. **Providing Evidence:** The complainant and respondent will be asked to identify all relevant evidence they would like the investigator to review, as well as witnesses they would like the investigator to interview. Both parties may provide, if they wish, a list of questions they would like the investigator to ask of particular witnesses or of each other. The investigator will exercise reasonable discretion in deciding which questions should be excluded. Formal rules of evidence do not apply in the process described here. In cases where an evidentiary or procedural question arises in connection with the investigation or adjudication process, the Title IX Coordinator or Deputy Title IX Coordinator will decide the question.
8. **Preliminary Report:** The investigator will compile the results of the fact-finding process into a preliminary report and provide this report to the Title IX Coordinator or Deputy

Title IX Coordinator, who will assess the adequacy and thoroughness of the preliminary report and request further investigation, if warranted. The preliminary report will not include the investigator's conclusions regarding whether the allegations are substantiated.

9. **Notification of Preliminary Findings:** The Title IX Coordinator or Deputy Title IX Coordinator, will provide the preliminary report, including all relevant documentation, in writing, to the complainant and respondent simultaneously, in separate communications. The complainant and respondent are encouraged to carefully and thoroughly review the preliminary report.
10. **Response to Preliminary Findings:** Both parties may submit a written response to the preliminary report to the Title IX Coordinator or Deputy Title IX Coordinator within five (5) calendar days of receiving the investigator's preliminary report. The Title IX Coordinator or Deputy Title IX Coordinator may extend this deadline based on extenuating circumstances; however, both complainant and respondent will be provided the same duration of time in which to submit a written response.
11. **Second Response Opportunity:** The complainant and respondent will be provided the other party's written responses and will have five (5) calendar days thereafter to provide a reply, in writing, to the Title IX Coordinator or Deputy Title IX Coordinator.
12. **Final Report:** The Title IX Coordinator or Deputy Title IX Coordinator will provide a final report based on the findings of the investigator(s), and the parties' written responses, replies, or other information that has come to light, simultaneously, in separate communications to the complainant and respondent. The parties will have five (5) calendar days to submit their final statement on the report.
13. **Additional Investigation:** If, at any time, the Title IX Coordinator or Deputy Title IX Coordinator believe that additional investigation is required, this process may include a secondary report provided in writing to the complainant and respondent simultaneously, with both having opportunity for primary and secondary responses as described previously before a final report and final statements are provided.
14. **Unsubstantiated Allegations:** Based on the evidence, the investigator in coordination with the Title IX Coordinator or Deputy Title IX Coordinator may determine that the allegations made by the complainant are not substantiated by the evidence and investigative findings. The Title IX Coordinator or Deputy may terminate the proceedings. Both the complainant and respondent will be simultaneously informed, in writing, of this finding.
15. **No Contest:** If at any point the respondent chooses not to contest the complaint, the Title IX Coordinator or Deputy Title IX Coordinator, will convene an Administrative Panel based on the findings of the investigation at the point where the respondent chooses not to contest the complaint.

Substantiated Allegations and Sanctions

If the investigator finds that the allegations are substantiated, the Title IX Coordinator or Deputy Title IX Coordinator will convene and charge an Administrative Panel of three (School Name) employees to determine whether the findings, as presented in the Final Report, violate (School Name) policy.

1. **Panel Deliberation:** The Administrative Panel, in a closed session, will review and discuss the evidence, investigative findings, responses, replies, and final statements of the parties. The panel will apply the “preponderance of the evidence” standard described earlier in the terminology section of this document. The panel will forward its decision to the Title IX Coordinator or Deputy Title IX Coordinator.
2. **Notice of Findings:** The Title IX Coordinator or Deputy Title IX Coordinator will inform the complainant and the respondent simultaneously of the Administrative Panel’s decision, in writing, no later than one (1) business day following the decision.
3. **Impact Statements:** If the Administrative Panel finds (School Name) policy has been violated, both parties may submit Impact Statements to the Title IX Coordinator or Deputy Title IX Coordinator within five (5) business days. Impact Statements will present the parties with the opportunity to share any information they would like the Administrative Panel to consider when assigning a sanction.
4. **Determination of Sanction:** The Administrative Panel will review their findings and the Impact Statements provided by one or both parties and deliberate on the appropriate sanction.
5. **Notice of Sanctions:** To the degree permitted by law, the complainant and respondent will be informed simultaneously, in writing, no later than one (1) business day following the conclusion of the disciplinary proceeding, of (a) the determination and the outcome of any disciplinary or other action arising out of an allegation of sexual misconduct and/or related retaliation; (b) the rationale for the results and any sanction(s); and (c) (School Name) procedures for appealing the outcome.
6. **Application of Sanctions:** Sanctions imposed by the Administrative Panel will be applied by the appropriate (School Name) official.

APPEALS

The complainant and respondent may appeal the outcome, subject to the limitations set forth here. The Title IX Coordinator or Deputy Title IX Coordinator will provide written notification to the complainant and respondent of any applicable appeal procedures at the time the complainant or respondent receive notice of the outcome decision. Appeals must satisfy one or more of the following bases for appeal:

1. Discovery of new factual information that was not known or available at the time of the adjudication and the presentation of which would have affected the original outcome.
2. The occurrence of a material procedural error that rendered the process fundamentally unfair.

3. Abuse of discretion in the issuance of a sanction (e.g., the Administrative Panel imposed a sanction that was significantly disproportionate to the offense).
4. Evidence of bias in the investigative or adjudication process.

An appeal must be made in writing by a respondent or complainant to the Title IX Coordinator or Deputy Title IX Coordinator within five (5) business days of receipt of the determination or within five (5) business days of the receipt of the decision regarding sanctions and/or other actions, and must include the grounds for appeal and an outline of any supporting evidence.

The Title IX Coordinator or Deputy Title IX Coordinator may deny the appeal if it does not satisfy at least one of the four grounds for appeal as described previously. In cases in which one or more of the appeal grounds have been met, the substance of the appeal will be considered carefully. If the Title IX Coordinator or Deputy Title IX Coordinator determines there are sufficient grounds to alter the prior decision, the Title IX Coordinator or Deputy Title IX Coordinator will determine the scope of a new review. Further investigation may be required, or the case may be returned to the same or a different Administrative Panel for review.

Absent extenuating circumstances, the Title IX Coordinator or Deputy Title IX Coordinator will notify the complainant and respondent of the appeal decision (whether the grounds for appeal have been adequately established) simultaneously in writing within fifteen (15) business days of receiving the appeal.

All decisions by the Title IX Coordinator or Deputy Title IX Coordinator following a second review of the case are final. Absent extenuating circumstances, both parties will be notified of the final decision concurrently in writing no later than one (1) business day following the appeal decision, to the extent permitted by law.

ACCOMMODATIONS FOR SURVIVORS

Beyond what's required by law, (School Name) provides reasonable and confidential academic and environmental accommodations to student survivors during a complaint and adjudication process. Other reasonable and confidential accommodations may be provided upon request to the (School Name title and name) at (email, phone number, and office hours and location).

During a complaint and adjudication process, a complainant may request or (School Name) may mandate no-contact orders. Under a no-contact order, the complainant and respondent cannot contact each other directly, online, or via friends. They cannot share classes or extracurricular activities. In accordance with recommendations by the US Office for Civil Rights, (School Name) will assist respondents in moving to another class or extracurricular activity until the complaint is resolved.

During a complaint and adjudication process (School Name) will make reasonable and confidential academic accommodations to both complainant and respondent including extended deadlines and makeup work. Complainants and respondents are encouraged to discuss their needs with (School Name title, name, email, phone, office hours, office location or secondary school official).

(School Name) will make every reasonable effort to support survivors who need access to vital services (for example, referral to counseling services, transportation to a hospital, to get a rape kit, or to get a restraining order, or help contacting local, state, or national agencies or services). For support, contact (School Name title, name, email, phone, office hours, office location or secondary school official).

COMMUNITY RESOURCES FOR SURVIVORS

List relevant resources for survivors of sexual misconduct here. Resources should include the state Office of Civil Rights, local chapters of support groups for PTSD and sexual violence survivors, counselor names and contact details, and phone numbers of local police offices.

NATIONAL ORGANIZATIONS AND RESOURCES

Anti-Violence Project

212-714-1141

www.antiviolenceproject.org

Free, bilingual (English/Spanish), 24-hour crisis intervention supporting survivors and their loved ones from any type of violence. Callers receive immediate crisis counseling and safety planning, access to ongoing counseling, and legal services.

Love Is Respect

866-331-9474

www.loveisrespect.org

An organization dedicated to empowering youth and young adults to prevent and end abusive relationships. Peer advocates are available 24 hours a day via phone, online chat, or text ("loveis" to 22522). Support for safety planning, self-care, abuse on campus, calling the police, documenting abuse, and obtaining restraining orders. They offer guidance for LGBTQ survivors and undocumented survivors.

The National Center for Victims of Crime

855-484-2846

www.victimsofcrime.org

Any victim of any crime can learn about their rights and obtain resources including legal aid, advocacy, and access to treatment.

The National Domestic Violence Hotline

800-799-7233

www.thehotline.org

A free, 24 hour, bilingual (English/Spanish) hotline or webchat (from the website) offering help accessing state resources, counseling, shelters, and legal aid.

The Rape, Abuse, & Incest National Network (RAINN)

1-800-656-4673

www.rainn.org

A national anti-sexual violence organization that operates the National Sexual Assault Hotline. The hotline is free, offered 24 hours a day, and bilingual (English/Spanish). RAINN works in partnership with local sexual assault service providers and implements programs to prevent sexual violence, help survivors, and help bring perpetrators to justice. RAINN offers immediate access to counseling, legal aid, local support groups, and crime victim assistance advocacy.

Breathe Network

www.thebreathenetwork.org

An organization that connects survivors of sexual violence to health care and healing arts practitioners who offer sliding-scale, trauma-informed therapy to facilitate emotional and physical healing. Practitioners offer acupuncture, massage, craniosacral therapy, sound healing, yoga, hypnotherapy, dance therapy, art therapy, music, color therapy, and others.

National Sexual Violence Resource Center

www.nsvrc.org

An organization committed to providing leadership in preventing and responding to sexual violence through collaboration, sharing and creating resources, and promoting research. The website connects survivors to advocacy, education, and services including accompaniment during medical exams and law enforcement interviews, and legal services.