

POLICY ON SEXUAL MISCONDUCT

Effective Date: August 1, 2015

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This document sets forth Saybrook University's policy on sexual misconduct and outlines the University's prohibitions against sexual misconduct, definitions of relevant terms, reporting and response procedures, and the rights and responsibilities of members of the Saybrook Community who are impacted by sexual misconduct in relation to our academic and work environment.

Questions about Title IX, the Campus SaVE Act, and this policy may be directed to:

SAYBROOK Title IX Coordinator:

CJ Krebs

StudentAffairs@Saybrook.edu

(425) 278-9346

Or

SAYBROOK Deputy Title IX Coordinator

Julia Sondej

StudentAffairs@Saybrook.edu

(425) 278-9313

Students may also direct questions about Title IX and the Campus SaVE Act to:

United States Department of Education Office of Civil Rights (OCR)

Customer Service Hotline: 800-421-3481

Website: www.ed.gov/ocr

E-mail: ocr@ed.gov

400 Maryland Avenue SW, Washington, DC 20202-1100

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I. POLICY SUMMARY

Saybrook University (“the University” or “Saybrook”) is committed to creating and maintaining a safe learning and working environment that is free of unlawful discrimination, harassment, exploitation, or intimidation. As such, the University prohibits sexual misconduct in all forms, including but not limited to sexual harassment and sexual violence. The University will respond promptly and effectively to reports of sexual misconduct and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior in violation of this Policy.

The University also bars retaliation against any employee, student, or applicant who files a good faith report of sexual misconduct or otherwise participates in an investigation relating to the same.

II. POLICY SCOPE

A. Applicability

This Policy applies to all employees, students, and other Saybrook Community Members, regardless of gender/gender identity and sexual orientation, for conduct occurring at University’s campuses, in connection with its educational programs, activities and services, or that puts Saybrook Community Members at risk of serious harm or otherwise creates a hostile learning and/or working environment.

B. Consensual Relationships

This Policy covers unwelcome conduct of a sexual nature. While romantic relationships between members of the Saybrook Community may begin as consensual, they may evolve into situations that lead to sexual misconduct in violation of this Policy.

Consensual personal relationships between Saybrook Community Members are subject to other policies and ethical considerations, including but not limited to those contained in the Employee Handbook (where applicable).

III. DEFINITIONS

Consent – At The University, **consent** is *informed*. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is *voluntary*. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is *revocable*. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop

immediately. Any condition on consent imposed by a consenting party must be respected, or the interaction may not be considered consensual.

Consent cannot be given when a person is *incapacitated*. A person cannot consent if unconscious or coming in and out of consciousness. A person cannot consent if under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if their understanding of the act is affected by a physical or mental impairment.

In California, "consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

It shall not be a valid excuse to alleged lack of affirmative consent that the Responding Party believed that the Reporting Party consented to the sexual activity under either of the following circumstances:

- (A) The Responding Party's belief in affirmative consent arose from the intoxication or recklessness of the accused.
- (B) The Responding Party did not take reasonable steps, in the circumstances known to the Responding Party at the time, to ascertain whether the Reporting Party affirmatively consented.

It shall not be a valid excuse that the Responding Party believed that the Reporting Party affirmatively consented to the sexual activity if the Responding Party knew or reasonably should have known that the Reporting Party was unable to consent to the sexual activity under any of the following circumstances:

- (A) The Reporting Party was asleep or unconscious.
- (B) The Reporting Party was incapacitated due to the influence of drugs, alcohol, or medication, so that the Reporting Party could not understand the fact, nature, or extent of the sexual activity.
- (C) The Reporting Party was unable to communicate due to a mental or physical condition.

In Washington, "consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

Dating Violence is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party.

Domestic Violence is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

A **Hostile Environment** is created when sexual harassment is sufficiently severe, or persistent or pervasive, and objectively offensive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the University's educational and/or employment programs.

Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affects a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. Being intoxicated by drugs or alcohol does not diminish one's responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the accused knew, or whether a reasonable person should have known, that the Reporting Party was incapacitated.

Saybrook Community Member(s) / Saybrook Community include all students, faculty, staff, vendors, contractors, community partners, and visitors.

Reporting Party – For purposes of this policy, the Reporting Party is the individual who reportedly experienced conduct in violation of this policy, regardless of whether that individual participates in the disclosure or investigation of such a report by the University at any point.

In the event that a third-party makes a report of conduct in violation of this policy on behalf of another individual, the third-party will be identified as the "**Reporter.**"

Responding Party is the student, employee or other Saybrook Community Member who is reported to have engaged in conduct in violation of this policy.

Responsible Employee(s) is a University employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

Sexual Assault occurs when physical sexual activity is engaged without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication).

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile, or offensive. Sexual harassment includes sexual violence (see definition below). The University will respond to reports of any such conduct in accordance with the Policy.

Sexual harassment may include incidents between any members of the Saybrook Community, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or non-employee participants in the University programs (e.g., vendors, contractors, visitors, and patients). Sexual harassment may occur in hierarchical

relationships, between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

Sexual Misconduct – includes, but is not limited to, sexual harassment and sexual violence, including forcible and non-forcible sex offenses, sexual assault, domestic violence, dating violence, or stalking, as defined herein.

Sexual Violence is defined as physical sexual acts engaged without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

Stalking is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

IV. REPORTING SEXUAL MISCONDUCT

A. Making a Report to Saybrook University

Saybrook Community Members who have experienced sexual misconduct, or are aware of incidents experienced by other Saybrook Community Members should immediately report the incident to the local police department.

Reporting sexual assault, domestic violence, dating violence, and stalking to the police does not commit the Reporting Party to further legal action. However, the earlier an incident is reported, the easier it will be for the police to investigate, if the Reporting Party decides to proceed with criminal charges.

In addition, members of the Saybrook Community, including employees, supervisors, co-workers, vendors, consultants, visitors or other students, are encouraged to report incident(s) of sexual misconduct to the University's Title IX Coordinator. The University's Title IX Coordinator is:

CJ Krebs

StudentAffairs@Saybrook.edu

(425) 278-9346

Reporting Parties are not required to report to area law enforcement in order to receive assistance from or pursue any options within Saybrook.

The Title IX Coordinator will provide Reporting Parties of sexual misconduct with information about available support services and resources, and also assist the Reporting Party in notifying law enforcement, including the local police, if the Reporting Party elects to do so.

B. Reporting and Confidentially Disclosing Sexual Violence: Know the Options

The University encourages victims of sexual violence to talk to somebody about what happened, so they can get the support they need, and so the University can respond appropriately.

This section is intended to make students aware of the various reporting and confidential disclosure options available to them so they can make informed choices about where to turn should they become a victim of sexual violence. The University encourages victims to talk to someone identified in one or more of these groups.

1. The Options

a. Privileged and Confidential Communications¹

Professional, licensed counselors and pastoral counselors who are not employed by the University are not required to report any information about an incident to the Title IX coordinator without a victim's permission.

In addition to the variety of professional, licensed counselors and pastoral counselors located near each Saybrook educational setting, the University offers as a benefit to its students and employees the following resources that provide professional counseling services:

- **Student Solutions Program:** Saybrook students can receive counseling services through the Student Solutions Program, which is available 24 hours a day, 7 days a week.

866.379.0894 TDD: 800.697.0353
www.guidanceresources.com
School Web ID: Saybrook

- **Employee Assistance Program (EAP):** Saybrook employees also receive counseling services through the EAP, which is available 24 hours a day, 7 days a week.

800.272.7255
www.guidanceresources.com
Company Web ID: COM589

Counselors who provide services to Saybrook Community Members through EAP programs are not required to disclose reports of sexual misconduct to the University's Title IX Coordinator. While professional and non-professional counselors and advocates may maintain a victim's confidentiality vis-à-vis the University, they may have reporting or other obligations under state law.

¹ The University does not employ professional, licensed counselors or pastoral counselors to provide on-campus mental-health counseling and related services to members of the Saybrook Community. The University's faculty and staff who are licensed as counselors are not employed by the University in such a capacity. As such, communications with the University's faculty and staff are not privileged or confidential. In addition, faculty and staff who are licensed to provide mental-health counseling and related services may have reporting or other obligations under state law.

While Saybrook Community Members are encouraged to use their own judgment in terms of whom they choose to discuss reports of sexual misconduct with, Saybrook Community Members must also understand that the University can only investigate and respond to incidents of sexual misconduct that it becomes aware of. A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to local law enforcement, and thus have the incident fully investigated.

b. Reporting to “Responsible Employees”

A “Responsible Employee” is a Saybrook employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

When a Reporting Party tells a Responsible Employee about an incident of sexual violence, the Reporting Party has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A Responsible Employee must report to the Title IX Coordinator all relevant details about the alleged sexual misconduct shared by the Reporting Party and that the University will need in order to determine what happened – including the names of the Reporting Party and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the University’s response to the report. A Responsible Employee should not share information with law enforcement without the Reporting Party’s consent or unless the Reporting Party has also reported the incident to law enforcement.

The following employees (or categories of employees) are the University’s Responsible Employees:

- Title IX Coordinator
- University President
- Provost
- Assistant Provost
- Seattle Campus Director
- Vice President of Enrollment Management
- College Deans
- Department Chairs
- Registrar
- Assistant Registrar
- Director of Academic Affairs
- Director for Business Operations (Human Resources)
- Director of Student Success

Before a Reporting Party reveals any information to a Responsible Employee, the employee should ensure that the Reporting Party understands the employee’s reporting obligations – and, if the Reporting Party wants to maintain confidentiality, direct the Reporting Party to confidential resources.

If the Reporting Party wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the Reporting Party that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Coordinator of the Reporting Party's request for confidentiality.

Responsible Employees will not pressure a Reporting Party to request confidentiality, but will honor and support the Reporting Party's wishes, including for the University to fully investigate an incident. By the same token, Responsible Employees will not pressure a Reporting Party to make a full report if the Reporting Party is not ready to.

2. How the University Will Weigh the Request and Respond to Requests for Confidentiality.

If a Reporting Party discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all students, including the Reporting Party.

If the University honors the request for confidentiality, a Reporting Party must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. Although rare, there are times when the University may not be able to honor a Reporting Party's request for confidentiality in order to provide a safe, non-discriminatory environment for all students.

The University has designated the Title IX Coordinator to evaluate requests for confidentiality once a Responsible Employee is on notice of alleged sexual violence.

When weighing a Reporting Party's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
 - whether there have been other sexual violence complaints about the same alleged perpetrator;
 - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - whether the alleged perpetrator threatened further sexual violence or other violence against the Reporting Party or others;
 - whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the Reporting Party is a minor;
- whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the Reporting Party's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these factors are present, the University will likely respect the Reporting Party's request for confidentiality.

If the University determines that it cannot maintain a Reporting Party's confidentiality, the University will inform the Reporting Party prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

The University will remain ever mindful of the Reporting Party's well-being, and will take ongoing steps to protect the Reporting Party from retaliation or harm and work with the Reporting Party to create a safety plan. Retaliation against the Reporting Party, whether by students, employees or other Saybrook Community Members, will not be tolerated. The University will also:

- assist the Reporting Party in accessing other available Reporting Party advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the Reporting Party of the right to report a crime to campus or local law enforcement and provide the Reporting Party with assistance if the Reporting Party wishes to do so.

The University may not require a Reporting Party to participate in any investigation or disciplinary proceeding.

Because the University is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the University determines that the alleged perpetrator(s) pose a serious and immediate threat to the Saybrook Community, Campus Security Authorities may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the Reporting Party.

If the University determines that it can respect a Reporting Party's request for confidentiality, the University will also take immediate action as necessary to protect and assist the Reporting Party.

V. THE UNIVERSITY'S RESPONSE PROCEDURES

Upon receiving a report of sexual misconduct, the University will respond by providing the Reporting Party with supportive resources and interim interventions (where appropriate) and conducting a prompt, fair and impartial investigation by a trained official. The response and investigation procedures are designed to provide a supportive process for those who report sexual misconduct as well as fairness and due process for the individual being accused.

A. Services

Upon notice of possible sexual misconduct within the scope of this policy, the University will provide the Reporting Party and Responding Party with information about local resources and other supports relevant to sexual misconduct.

If requested, other participants in the process (such as Reporters or Witnesses) may also be offered appropriate support services and information.

Please visit the [Annual Security Report](#) for specific information about local resources and supports that may be available to assist Saybrook Community Members.

B. Interim Interventions

During an investigation, interim protections for both parties may be put in place, regardless of whether the Reporting Party chooses to report the incident to local law enforcement. If requested by the Reporting Party or Responding Party and reasonably available, interim protections may include changes to academic and/or working situations. In addition, Saybrook, will provide assistance, if requested, with obtaining and enforcing campus no-contact orders, and will honor an order of protection or no-contact order entered by a state civil or criminal court. The Title IX Coordinator shall review all requested interim protections and accommodations, shall determine what is available and appropriate and shall notify the party requesting the interim protection or accommodation of the determination.

Such interventions may be kept in place until the conclusion of the Title IX investigation, sanctioning and appeal processes.

C. Options for Resolution

1. Informal Resolution

The University recognizes that in certain circumstances, informal resolution of a report of sexual misconduct may be beneficial to the Reporting Party, the Responding Party, other involved parties (Witnesses), and/or the Saybrook Community at large. Whether a report of sexual misconduct is appropriate for informal resolution is within the discretion of the Title IX Coordinator. However, reports of sexual assault are never appropriate for informal resolution.

In circumstances where informal resolution is appropriate, and with the approval of both the Reporting Party and the Responding Party, the University may utilize informal methods to resolve a report of sexual misconduct. In order to pursue informal resolution, the Title IX Coordinator must obtain the approval of both the Reporting Party and the Responding Party, which may be withdrawn at any time during the investigation and/or sanctions process.

2. Decision to Formally Investigate

When the Title IX Coordinator determines that informal resolution is not appropriate or formal resolution is requested by either the Reporting Party or Responding Party, the University will proceed in launching an investigation.

In circumstances where a Reporting Party requests confidentiality or asks that the University not pursue investigation into a report of sexual misconduct, the Title IX Coordinator will determine whether the Reporting Party's request can be honored. In making such a determination, the Title IX Coordinator will consider the following:

- The seriousness of the sexual misconduct as reported;
- The Reporting Party's age;
- Whether there have been other reports about the same Responding Party;
- The Responding Party's rights to receive information about the allegations if the information is maintained by the University as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.1

While the University will always seek to obtain the consent of the Reporting Party prior to pursuing a formal investigation, the final decision on whether to investigate a report of sexual misconduct lies with the Title IX Coordinator.

D. Investigation

Once the Title IX Coordinator determines that a formal investigation is appropriate, the University will conduct a thorough and impartial investigation by an individual who has been trained to investigate reports of sexual misconduct (this may include the Title IX Coordinator, Deputy Title IX Coordinator, or other designee approved by Saybrook University President).

Typically, investigation into reports of sexual misconduct will include a period of fact-finding led by the Title IX Coordinator, during which time the Reporting Party, Responding Party, and other relevant parties will be given the opportunity to participate in the investigation by sharing information with the Title IX Coordinator. Parties participating in an investigation will have the opportunity to submit a written statement, provide supporting materials, and identify witnesses.

The University investigates reports of sexual misconduct independently of local law enforcement.

Absent delay to allow police to gather evidence or agreement by the parties, the University will make every reasonable effort to investigate and reach a resolution on all reports of sexual misconduct within sixty (60) calendar days after the Title IX Coordinator's receipt of a report.

1. Withdrawal of Student or Resignation of Employee during Investigation

Students: Saybrook does not permit a student to withdraw if that student has an allegation pending for violation of this policy, without the express written permission of the Title IX Coordinator. Should a student decide to leave and/or not participate in the investigation or resolution, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to Saybrook unless all sanctions have been satisfied. The student will not have access to an academic transcript until the allegations have been resolved and may not participate in any course or program offered by Saybrook until the pending matter is resolved.

Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any Saybrook responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire.

E. Standard of Proof

In investigating and determining whether a violation of this policy has occurred, the Title IX Coordinator will utilize the "preponderance of the evidence" standard of proof. This means that the Title IX Coordinator will determine whether it is "more likely than not" that sexual misconduct occurred.

F. Investigation Findings and Outcome Notification

Prior to concluding an investigation into sexual misconduct, the Title IX Coordinator will provide both the Reporting Party and Responding Party an opportunity to review their own statement. Both the Reporting Party and the Responding Party will be permitted five (5) calendar days to submit any inaccuracies or further evidence to the Title IX Coordinator. After five (5) calendar days have passed, the Title IX Coordinator will address any inaccuracies and/or further evidence submitted by the parties, and make a determination as to whether a violation of this policy occurred.

Both parties to complaint of sexual misconduct will be updated as to the status of the investigation and related proceedings as necessary, or upon request.

Both the Reporting Party and the Responding Party have a right to have an advisor, of their choosing, accompany them to any meeting or proceeding related to any alleged violation of this policy, provided that the involvement of the advisor does not result in undue delay of any meeting or proceeding. The advisor is present to provide support to the Reporting Party or Responding Party during any meetings or proceedings and can provide any advice to the Reporting Party or Responding Party prior to such meetings or proceedings. All advisors are subject to the same rules, whether they are attorneys or not. An advisor may not communicate with an investigator on behalf of the Reporting Party or the Responding Party. If the advisor is an attorney, the attorney is required to act in a supportive role and may not serve as an advocate or formally represent the party.

An advisor who steps out of their role in any meeting or proceeding will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of their role, the advisor will be asked to leave the meeting. When the advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator or a deputy will determine whether the advisor may be reinstated, may be replaced by another advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

Saybrook expects that the parties will wish to share documentation related to the allegations with their advisors. Saybrook will provide a consent form that authorizes such sharing. The consent form must be completed before any records will be shared. Advisors are expected to maintain the privacy of any records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Saybrook. Saybrook may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by Saybrook's privacy expectations.

Once the Title IX Coordinator has concluded the investigation, the University will simultaneously issue the written findings to both the Reporting Party and the Responding Party.

Upon finding that sexual misconduct occurred, the Title IX Coordinator will commence the sanctioning process for review and determination of appropriate sanctions.

In addition to sanctions, the Title IX Coordinator may also recommend that the University or particular Saybrook Community Members take on additional measures to remediate and/or prevent further conduct in violation of this policy.

VI. SANCTIONING

Saybrook Community Members who are found to have violated the University's prohibitions against sexual misconduct will be subject to sanctions.

A. Possible Sanctions

Sanctions may include, but are not limited to the following:

- Formal written warning;
- Academic Development Plan or Professional Improvement Plan, as applicable;
- No-contact order pertaining to certain Saybrook Community Members or physical locations;
- Removal from specific courses or institutional activities; and/or
- Dismissal.

In addition, further protections for the Reporting Party may be available.

B. Determination of Appropriate Sanctions

The University's sanctions process is intended to provide an equitable process to both the Reporting Party and the Responding Party, demonstrating promptness, fairness and impartiality.

Absent informal resolution, upon a finding that a student or other non-employee Saybrook Community Member has engaged in sexual misconduct in violation of this policy, both the Reporting Party and the Responding Party will be permitted five (5) calendar days to submit to the Title IX Coordinator a Statement of Impact. The Statement of Impact shall be limited to how the conduct underlying the findings has affected the writer and whether the writer believes there are any mitigating or extenuating circumstances that should be considered in issuing sanctions.

- Simultaneously, the Title IX Coordinator will convene a Sanctions Panel. The Sanctions Panel will be composed of three employees appointed to a pool of trained employees, at least one of which shall be a Department Chair.

After convening a Sanctions Panel, the Title IX Coordinator will submit the investigative findings and the Title IX Coordinator's recommended sanctions to the Sanctions Panel. Within five (5) business days of receipt of the Title IX Investigator's findings and any submitted Statements of Impact, the Sanctions Panel shall meet to determine what, if any, sanctions will be issued. In making such a determination, the Sanctions Panel will not reconsider the Title IX Coordinator's findings, but will determine in light of the Title IX Coordinator's findings and the additional documents submitted, what sanctions are appropriate to remedy the violation and maintain or enhance safety from sexual violence in the University's learning and working environment.

Officials conducting disciplinary proceedings must be trained annually on sexual violence investigation and determinations.

C. Notice of Sanctions Imposed

When sanctioning results from an investigation into sexual misconduct, the University will simultaneously inform both the Reporting Party and the Responding Party, in writing, of:

- The outcome of any sanctioning proceedings;
- The University's procedures for appeal;
- Any changes in the outcome of sanctioning proceedings that occur; and
- When the outcome of sanctioning proceedings becomes final.

The outcome of sanctioning decisions shall become final on the following date:

- If neither the Reporting Party nor the Responding Party appeal the sanctioning decision, the first business day after the opportunity to appeal has passed;
- If either the Reporting Party or the Responding Party appeals the sanctioning decision, the date of issuance of the appeal decision.

VII. APPEALS OF INVESTIGATIVE FINDINGS AND SANCTIONS DECISIONS

Both the Reporting Party and the Responding Party may appeal the outcome of investigative findings and any sanctions decision by submitting a written letter of appeal to their campus's Vice President for Academic Affairs within five (5) business days of issuance of the investigative findings and sanctions decision. The written request must include:

- A specific statement of the decision that the student wishes to appeal;
- The student's desired outcome;
- All information that the student wishes the Vice President for Academic Affairs to take into account in consideration of the appeal; and
- A statement of the student's views as to how this information justifies the appeal.

The appeals process is not an opportunity for either party to have their case reconsidered merely because of dissatisfaction on the part of the student with the sanctions decision. Rather, all appeals must be based on one or more of the following:

- New information that could not be presented at the time of the investigation or sanctions decision; or
- Evidence of improper procedure that may impact the outcome.

If in the opinion of the Vice President for Academic Affairs the request for an appeal is without merit or does not meet the requirements set forth above, the Vice President for Academic Affairs will reject the appeal.

If in the judgment of the Vice President for Academic Affairs the appeal is properly constituted, the Vice President for Academic Affairs will determine what next steps are appropriate, which may include but is not limited to remanding the matter to the Title IX Coordinator for further investigation or remanding to the Sanctions Panel for consideration. The Vice President for Academic Affairs will issue their decision within five (5) business days of receipt of the letter of appeal.