



SEX DISCRIMINATION AND SEX-BASED HARASSMENT POLICY

Effective Date: August 1, 2024

Table of Contents

I.	INTRODUCTION	1	XVI.	INFORMAL RESOLUTION	25
II.	SCOPE AND PURPOSE	1	XVII.	TIMEFRAME	26
III.	DEFINITIONS	2	XVIII.	DISMISSAL OF A COMPLAINT	26
IV.	UNDERSTANDING CONSENT AND INCAPCITATION	6	XIX.	RESOURCES	27
V.	DETERMINING HOSTILE ENVIRONMENT HARASSMENT AND STALKING	8	A.	Emergency Resources	27
VI.	TITLE IX COORDINATOR	9	B.	Confidential Resources	28
VII.	REPORTING SEX DISCRIMINATION	9	C.	Campus Non-Confidential Resources	29
A.	Reporting Contacts	10	D.	Staff and Faculty Resources	29
B.	Amnesty	11	XX.	TRAINING	30
C.	Retaliation	11	XXI.	RECORDKEEPING	30
D.	Response Protocol	11	XXII.	CONFLICTS OF INTEREST, BIAS, AND PROCEDURAL COMPLAINTS	30
VIII.	REQUESTS FOR ANONYMITY OR THAT NO REPORT BE PURSUED	13	XXIII.	OBJECTIONS GENERALLY	31
IX.	PRIVACY AND CONFIDENTIALITY	14	XXIV.	BAD FAITH COMPLAINTS AND FALSE INFORMATION	31
A.	Employee Reporting Responsibilities & Confidential Resources	14	XXV.	RETALIATION	31
B.	FERPA	14	XXVI.	RECORDINGS	31
C.	The Clery Act and Record Keeping	14	XXVII.	SIGNATURES AND FORM OF CONSENT	31
X.	SUPPORTIVE MEASURES	15	XXVIII.	DEADLINES, TIME, NOTICES, AND METHOD OF TRANSMITTAL	31
XI.	RIGHT TO CHALLENGE SUPPORTIVE MEASURES	17	XXIX.	OTHER FORMS OF DISCRIMINATION	33
XII.	EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE	17	XXX.	FACTS AND DETERMINATIONS BINDING	33
XIII.	THE INVESTIGATION AND PROCEDURES AFTER THE COMPLAINT	17	XXXI.	OUTSIDE APPOINTMENTS, DUAL APPOINTMENTS, AND DELEGATIONS	33
A.	Formal Investigation	18	XXXII.	DUAL STATUS PERSONS	33
B.	Access to Evidence	19	XXXIII.	VOLUNTEERS, VENDORS, CONTRACTORS AND THIRD PARTIES	33
C.	Right to an Advisor	19	XXXIV.	EXERCISE OF RIGHTS	34
XIV.	HEARING AND DETERMINATION PROCEDURE	20	XXXV.	CHANGES IN THE LAW	34
A.	Party's Written Response to Investigation Report	20	XXXVI.	DEFINITIONS	34
B.	Pre-Hearing Conference	21	XXXVII.	DISCRETION IN APPLICATION	34
C.	Hearing Procedures	21			
XV.	THE APPEAL PROCESS	24			

I. INTRODUCTION

Dorsey College and Dorsey School of Beauty (the “Institutions” or “Dorsey”, or separately the “Institution”) are committed to maintaining an environment that is free from Sex Discrimination. The Institutions do not discriminate on the basis of sex in matters of education, extracurricular activities, programs, admissions, services, financial aid, or in the context of employment (collectively, the “programs and employment”).

Consistent with the Institutions’ Statement Of Non-Discrimination and Non-Harassment and the U.S. Department of Education’s implementing regulations for Title IX of the Education Amendments of 1972 (“Title IX”) (see 34 C.F.R. § 106 *et seq.*), the Institutions prohibit Sex Discrimination that occurs within its education programs or activities.

The Institutions’ Sex Discrimination and Sex-Based Harassment Policy implements the Institutions’ prohibition on Sex Discrimination, contains information on how to report Sex Discrimination, and sets forth the Institutions’ processes for investigating and adjudicating allegations of Sex Discrimination. The Policy prohibits all forms of Sex Discrimination, including Adverse Treatment Sex Discrimination, Policy or Practice Sex Discrimination, and Sex-Based Harassment, which includes Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Administrators, faculty member, staff, students, contractors, guests, and other members of the Institutions’ communities who commit Sex Discrimination are subject to the full range of the Institutions discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (that is, termination or dismissal); physical restriction from Institution property; cancellation of contracts; and any combination of the same.

The Institutions will provide persons who have experienced Sex Discrimination ongoing remedies as reasonably necessary to restore or preserve access to the Institutions’ Education Programs or Activities.

The Institutions seek to create a supportive climate that will encourage individuals to report incidents of Sex Discrimination.

Consistent with Title IX, the Institutions also provide certain supports and modifications for persons who are experiencing pregnancy or pregnancy related conditions. The Institutions have a separate Pregnancy Modifications Policy that governs the provision of such supports and modifications.

II. SCOPE AND PURPOSE

This Policy applies to Sex Discrimination that occurs within the Institutions’ Education Programs or Activities and that is committed by a member of the Institutions’ Community.

This Policy does not apply to Sex Discrimination that occurs outside the scope of the Institutions’ Education Programs or Activities. Nevertheless, the Institutions will address a sex-based hostile environment under their Education Programs or Activities even when some conduct alleged to be contributing to the hostile environment occurred outside the Education Programs or Activities or outside of the United States.

While this Policy is the exclusive policy governing Sex Discrimination that occurs within the Institutions’ Education Programs or Activities, Reports and Complaints of Sex Discrimination may implicate conduct that violates other policies and standards of the Institutions. The Institutions retain full discretion to enforce its

other policies and standards with respect to applicable conduct, whether prior to, at the same time as, or after allegations of Sex Discrimination have been resolved pursuant to this Policy.

The procedures outlined in this policy are designed to achieve the following goals:

- Provide prompt and equitable supportive measures; and
- Ensure that appropriate steps are followed when Sex Discrimination is reported; and
- Protect the rights of the Complainant, the Respondent, and other parties involved in or affected by the case.

III. DEFINITIONS

For the purposes of this policy, the following definitions shall apply:

“Adverse Treatment Sex Discrimination” means material, adverse action taken against a person where the motivating factor for the action is Sex-Based except where such action is permitted by law. The adverse action need not be sexual in nature to constitute Adverse Treatment Sex Discrimination.

“Business Day” means Monday through Friday from 8:00a.m. to 11:00p.m. (EST), except for Dorsey paid holidays as defined in the Dorsey Employee Handbook.

“Coercion” means the use of force, physical restraint, threats of harm, intimidation, misuse of authority, blackmail, or other unreasonable pressure.

“Complainant” means:

- A Student or Employee who is alleged to have been subjected to conduct that could be prohibited by this Policy; or
- A person other than a Student or Employee who is alleged to have been subjected to conduct that could be prohibited by this Policy and who was participating or attempting to participate in the Institutions’ Education Programs or Activities when the alleged conduct occurred.

“Complaint” means an oral or written request to the Institution to initiate an investigation and adjudication of alleged Sex Discrimination pursuant to the procedures in this Policy.

“Confidential” means that information shared by an individual with certain campus or community professionals (such as with Confidential Resources) *cannot* be revealed to any other individual without express permission of that individual, unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor (which requires notifying child protective services and/or local law enforcement).

“Confidential Resource.” Confidential resources are those campus and community professionals that *must* keep information shared by an individual confidential without express permission of that individual. These campus and community professionals include clergy, physicians, and mental health providers, all of whom have privileged confidentiality that has been recognized by the law of Michigan .

“Consent” means freely given words or actions that a reasonable person in the position of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person’s lack of verbal or physical resistance or submission resulting from the use of threat of force does not constitute consent. A person’s manner of dress does not constitute consent. A person’s consent to past sexual activity does not constitute consent to future sexual activity. A person’s consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with a different person. A person who is Incapacitated is not capable of giving Consent, and a person who is under the age of consent cannot consent. Consent cannot be procured through Coercion. A person can withdraw consent at any time.

“Dating Violence” is violence committed by a person –

Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

Where the existence of such a relationship will be determined based on a consideration of the following factors:

The length of the relationship;

The type of relationship; and

The frequency of interaction between the persons involved in the relationship.

“Domestic Violence” is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Michigan , or by another person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Michigan .

“Employee” means a person who is paid wages to perform services for the Institution. Volunteers and independent contractors are not Employees.

“Education Programs or Activities” refers to:

Activity occurring under any of the operation of the Institutions in the United States, including, but not limited to, in-person and online educational instruction, admissions, employment, research activities, extracurricular activities, and community engagement and outreach programs.

Activity that occurs on campus or on other property owned or occupied by the Institutions.

Activity that occurs in a building owned or controlled by a student organization that is officially recognized by the Institutions.

Activity that is subject to the Institutions’ disciplinary authority.

“FERPA” refers to the Family Educational Rights and Privacy Act, which is a federal law governing the confidentiality of a Student’s education records and a Student’s right to access, review, and seek amendment of education records.

“Hostile Environment Harassment” is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the Institutions’ Education Programs or Activities. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of:

The degree to which the conduct affected the person’s ability to access the Institutions’ Education Programs or Activities.

The type, frequency, and duration of the conduct.

The parties’ ages, roles within the Institutions’ Education Programs or Activities, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct.

The location of the conduct and the context in which the conduct occurred.

Other Sex-Based harassment in the Institutions’ Education Programs or Activities.

“Incapacitated” or **“Incapacity”** refers to the state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep.

“Intimidation.” Intimidation is implied or expressed threats or acts that cause fear of harm in another.

“Policy” refers to this Sex Discrimination and Sex-Based Harassment Policy.

“Policy or Practice Discrimination” means an Institution policy, practice, or condition that has the effect of excluding or limiting a person from participating in the Institutions’ Education Programs or Activities on a Sex-Based category or that results in inequitable access to the Institutions’ Education Programs or Activities on a Sex-Based category except where such action is permitted by law.

“Pregnancy or Related Conditions” means:

Pregnancy, childbirth, termination of pregnancy, or lactation;

Medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation;

Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or their related medical conditions.

“Privacy” generally means that information related to a report made under this policy will only be shared with a limited number of individuals who “need to know” in order to assist in the active review, investigation, institution of supportive measures, determination of responsibility, and any sanctions as a result of a determination of responsibility concerning the report. While not bound by confidentiality, these individuals are trained and/or instructed to be discreet and to respect the privacy of all individuals involved in the process.

“Quid Pro Quo Harassment” is an employee of the Institution conditioning the provision of an aid, benefit, or service of the Institution on an individual’s participation in unwelcome sexual conduct.

“Relevant” means related to the allegations of Sex Discrimination that are subject to investigation and adjudication as set forth in this Policy. 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 an hearing officer in determining whether the alleged Sex Discrimination occurred.

“Report” means an oral or written notification of alleged Sex Discrimination.

“Reporting Party” refers to a third-party individual who makes a report about an incident involving Sex Discrimination on someone else’s behalf.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Sex Discrimination.

“Retaliation” means intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

“Sex-Based” means on the basis of:

sex

sex stereotypes

sex characteristics

pregnancy or related conditions

sexual orientation

gender identity

“Sex-Based Harassment” is a form of Sex Discrimination and consists of sexual and other Sex-Based harassment that constitutes Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

“Sex Discrimination” is an omnibus term that includes Adverse Treatment Sex Discrimination, Policy or Practice Discrimination, and Sex-Based Harassment.

“Sexual Assault” consists of one or more of the following:

Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object. This definition also includes instance in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is unable to give consent because of their age or because of their temporary or permanent mental or physical incapacity.

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Michigan law.

Sexual intercourse with a person who is under the statutory age of Consent as defined by Michigan law.

“Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

Fear for their safety or the safety of others; or

Suffer substantial emotional distress.

“Student” means a person who has gained admission to the Institution, whether or not they have matriculated.

“Supportive Measures” are non-disciplinary, non-punitive individualized measures offered, as appropriate, as reasonably available, without unreasonably burdening a party, and without fee or charge to the Complainant or Respondent to (i) restore or preserve that party’s access to the Institutions’ Education Programs or Activities, including measures that are designed to protect the safety of the parties or the Institutions’ educational environment, or (ii) provide support during the Institutions’ investigation and adjudication process under this Policy, including any informal resolution process. Examples of Supportive Measures that may be available depending on the facts of a particular matter include: counseling; extensions of deadlines and other academic adjustments; campus escort services; increased security and monitoring for certain areas of campus; restrictions on contact between parties; honoring an order of protection or no contact order entered by a State civil or criminal court; leaves of absence; voluntary and involuntary changes to class, work, housing, dining, or extracurricular or any other activity; and training and education.

“Institution Community” means all persons who participate in the Institutions’ Education Programs or Activities, including board members, administrators, faculty, staff, other Employees, Students, volunteers, guests, and contractors.

IV. UNDERSTANDING CONSENT AND INCAPCITATION

What is Consent:

- Consent is an affirmative, knowing, and voluntary decision—clearly communicated through mutually understandable words (e.g., saying “yes”) and/or actions – to willingly engage in mutually acceptable sexual activity.
- Consent must be given freely, willingly, consciously, and knowingly by each participant to any desired sexual contact.
- Consent may be withdrawn by any consenting party at any time during the sexual activity. Withdrawal of consent must be demonstrated by words and/or actions that indicate a desire to end sexual activity. Once an individual has communicated withdrawal of consent, all sexual activity must end.

When is there NOT Consent:

- When no clear consent (either verbal or nonverbal) is given, there is not effective consent.

- Consent cannot be given by someone who is incapacitated.
- Consent cannot be given if it is done through intimidation, force or coercion.
- A current or previous dating or sexual relationship, by itself, does not constitute consent. Even in the context of a relationship, there must be mutually understandable communication (verbal or nonverbal) that clearly indicates a willingness to engage in sexual activity.
- Consent cannot be inferred from silence, passivity or lack of resistance. Without outward communication or action, consent does not exist.
- Consent cannot be inferred from an individual's attire or physical appearance.
- A verbal "no," even if perceived to be indecisive, constitutes a lack of consent.
- A person is not able to give valid consent if they are under the age of 17.
- A person is not able to give valid consent if his or her physical condition or disability impairs his or her ability to give consent. A person could lack capacity to give consent for reasons such as voluntary or involuntary consumption of alcohol or drugs, being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring.

"Force or Coercion." In some situations, an individual's ability to freely, willingly, and knowingly give consent is taken away by another person or circumstances. Examples include, but are not limited to

- When an individual is physically forced to participate. Force is the use or threat of physical violence and/or imposing on someone physically in order to gain sexual access. There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. Any sexual activity that is forced is by definition without consent.
- When an individual is intimidated, threatened (perceived or otherwise), isolated, or confined. Such intimidation could involve the use or threat of a weapon.
- When an individual is coerced or unreasonably pressured to participate in sexual activity. When someone makes clear that they do not want to engage in sexual activity, wants something to stop, or does not want to go past a certain point of sexual interaction – continued pressure past that point can be considered coercive behavior. When evaluating coercive behavior, factors such as the frequency, duration, location (isolation of recipient of unwanted contact), and intensity of coercive behaviors will be considered. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity.

"Incapacitation." A person violates this Policy if they have sexual contact with someone they know, or should know, to be mentally incapacitated or to have reached the degree of intoxication that results in incapacitation.

An individual who is incapacitated cannot communicate consent to sexual activity. Incapacitation is the inability, temporarily or permanently, to give consent or communicate unwillingness, because an individual is mentally and/or physically helpless, unable, unconscious, asleep or unaware that the sexual activity is occurring.

Evaluating incapacitation requires an assessment of how the consumption of drugs and/or alcohol affects an individual's decision-making ability, awareness of consequences, ability to make informed judgments, capacity to appreciate the nature and quality of the act, or level of consciousness.

Warning signs that a person may be so impaired by alcohol and/or drugs that they no longer have the capacity to give consent may include, but is not limited to

- Difficulty walking, stumbling, or falling down;
- Being unable to stand or walk without assistance;
- Slurred speech or inability to communicate clearly;
- Inability to focus or confusion about what is happening;
- Vomiting; or
- Combativeness, emotional volatility, or other marked change in demeanor.

The test of whether an individual should know about another's incapacitation is whether a reasonable, sober person in the same position would know or should have been aware of the Complainant's incapacitation. A Respondent cannot rebut a violation of this policy merely by asserting that he, she, or they was/were drunk or otherwise impaired and, as a result, did not know that the other person was incapacitated. Alcohol, drugs, or other intoxicants do not negate or diminish the responsibility of an individual to obtain consent.

V. DETERMINING HOSTILE ENVIRONMENT HARASSMENT AND STALKING

When determining whether reported conduct constitutes Hostile Environment Harassment the Institution will consider any relevant factor which may include, but is not limited to, the following;

- May be committed by or against anyone, regardless of sex, gender, sexual orientation, gender expression, or gender identity;
- May occur between people of the same sex or different sexes;
- Does not have to be "directed at" a specific person or persons to constitute harassment;
- Often includes a power differential between the parties based on differences in age or educational, employment, or social status;
- Some examples of Hostile Environment Harassment may include, but are not limited to (1) unwelcome touching, kissing, hugging or massaging; (2) pressure for sexual activity; (3) sexual Innuendos or sexual humor; (4) obscene gestures; (5) sex-based stalking; (6) sexually explicit profanity; (7) sexual graffiti, pictures or posters, etc.

When determining whether reported conduct constitutes Stalking the Institution will consider any relevant factor. Examples include, but are not limited to, the following:

- Unwelcome and repeated visual or physical proximity to a person;
- Repeated oral or written threats;
- Unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, texts, and messages on online bulletin boards;

- Unwelcome/unsolicited written communications about a person or the person’s family, friends, or co-workers;
- Sending/posting unwelcome and/or unsolicited messages with another’s username; or
- Implicitly or explicitly threatening physical conduct or any combination of these behaviors toward an individual person.

VI. TITLE IX COORDINATOR

The Institutions have designated a Title IX Coordinator to oversee all reports of Sex Discrimination at the Institution and to facilitate the Institutions’ compliance with Title IX.

The Title IX Coordinator may delegate certain responsibilities to the Title IX deputy coordinator(s) or others, as appropriate. The Institutions’ deputy Title IX Coordinator, if any, is responsible for assisting the Title IX Coordinator.

Questions about the applicability of this policy or the Institutions’ compliance with Title IX can be directed to the Institutions’ Title IX Coordinator, or the Office for Civil Rights:

- Title IX Coordinator. Ann Victoria Thomas, 31799 John R Road, Madison Heights, MI 48071, Ph: 248.585.9200, ext. 11228, athomas@Dorsey.edu
- Office for Civil Rights, Cleveland Office, U.S. Department of Education. 1350 Euclid Avenue, Suite 325, Cleveland, OH 44115, Ph:216.522.4970, OCR.Cleveland@ed.gov.

VII. REPORTING SEX DISCRIMINATION

The Institutions encourage all Institution members to promptly report all incidents of Sex Discrimination as soon as possible in order to maximize the Institutions’ ability to respond promptly and effectively. **The Institutions do not, however, limit the time frame for reporting.**

Any person may Report Sex Discrimination to the Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person’s Report. In-person Reports must be made during normal business hours, but Reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

After receiving a report of Sex Discrimination, the Title IX Coordinator will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls, or could fall within the scope of this policy (see “Scope”); and
- Whether the conduct, as reported, constitutes, or could constitute Sex Discrimination.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the policy, and/or could not constitute Sex Discrimination, even if investigated, the Title IX Coordinator will close the

matter under this Policy. The Title IX Coordinator will evaluate the conduct as possible violations of other Institution policies contained in the Institutions' Catalog or Dorsey Employee Handbook. The Title IX Coordinator will consult with the Senior Vice President of Education & Career Services (or their designees) to determine a course of action consistent with other universities policies.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of the policy, and/or could constitute Sex Discrimination, if investigated, the Title IX Coordinator will proceed to contact the Complainant.

If a report is not closed as a result of the preliminary assessment and the Complainant's identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures (see "Supportive Measures"); to discuss and consider the Complainant's wishes with respect to Supportive Measures; to inform the Complainant about the availability of Supportive Measures with or without filing a Complaint; and to explain the process for filing and pursuing a Complaint. The Title IX Coordinator will provide the Complaint form to the Complainant. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

A Complainant may choose to make a report to the Institution and may choose to make a report to law enforcement. The Complainant may pursue either or both of these options at the same time. The Institution will encourage the Complainant to report Sex Discrimination to law enforcement. However, the Complainant will not be required to do so. If the Complainant chooses to file a complaint with law enforcement, the Institution will do its best to assist law enforcement where possible and, if the Complainant wishes, the Institution can help him, her, or them in notifying law enforcement. However, should the matter be subject to both the Formal investigation process and law enforcement, the Institution will complete its own independent investigation and will not rely solely upon law enforcement investigations and/or conclusions.

A. Reporting Contacts

These designated reporting contacts have been trained to make the reporting party aware of available options and alternatives, to aid the reporting party in making an informed decision as to a course of action, and to enable the reporting party to follow through in that decision. The reporting contacts are private – but not confidential – resources, as defined above. The designated reporting contacts are:

- Title IX Coordinator. Ann Victoria Thomas, 31799 John R Road, Madison Heights, MI 48071, Ph: 248.585.9200, ext. 11228, athomas@Dorsey.edu
- Senior Vice President of Education & Career Services. Mickey McLean, 31799 John R Road, Madison Heights, MI 48071, Ph: 248.585.9200, ext. 11318, mmclean@Dorsey.edu
- Director of Human Resources. Wanda Bjeijy, 31799 John R Road, Madison Heights, MI 48071, Ph: 248.585.9200, ext. 11326, wbeijy@Dorsey.edu

Although certain individuals or entities are designated reporting contacts, **all** employees, including but not limited to faculty and staff, who are aware of Sex Discrimination are **required** to report the information to the Title IX Coordinator unless otherwise designated as a Confidential Resource.

B. Amnesty

To encourage reporting and participation in the processes under this Policy, individuals who in good faith report Sex Discrimination, participate in an investigation or hearing process, either as a Complainant, Respondent, reporting party, witness, or bystander, will not be subject to disciplinary action by the Institution for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that such violations did not and do not place the health or safety of any other person at risk. The Institution may, however, initiate an education discussion or pursue other educational remedies regarding alcohol or other drugs.

C. Retaliation

The Institution will not tolerate retaliation against any student, employee, or third party who makes a report of Sex Discrimination, participates in an investigation related to a report of Sex Discrimination, or participates in a hearing or appeal process relating to such a report. Any incidents of retaliation should be reported to the Title IX Coordinator or a designated reporting contact and may be subject to the same investigation, hearing, and appeal process set forth below. The Institution will take prompt and corrective action against all acts of retaliation.

D. Response Protocol

The Institutions will respond to all reports of Sex Discrimination in a timely and effective manner consistent with this policy. In addition:

- All Institution employees who are aware of Sex Discrimination, through first-hand knowledge, receipt of a disclosure, or other indirect means, are required to immediately report all known information to the Title IX Coordinator (unless otherwise designated as a Confidential Resource), including the names of the individuals involved, the date and location of the alleged incident, the nature of the report and any supporting evidence and/or documentation, if known.
- The reporting contact will assist the Complainant in getting to a safe place, if necessary. In doing so, the reporting contact will coordinate with the Title IX Coordinator as needed.
- The reporting contact and/or the Title IX Coordinator will encourage the Complainant to seek immediate medical attention for treatment of injuries and preservation of evidence, discuss the reasons why prompt medical treatment is important, and arrange for transportation to the hospital if the reporting party agrees to such treatment.
 - **Special Advice for Individuals Reporting Sexual Assault, Domestic Violence, Dating Violence or Stalking.** If a Complainant is a victim of relationship violence or sexual assault, in particular, time and preservation of evidence may be a critical factor for criminal prosecution or for obtaining an order of protection. If a Complainant is a victim of relationship violence or sexual assault, his, her, or their priority should be to get to a place of safety. In addition, to preserve evidence, do not (a) wash, clean, or change clothes, (b) shower, (c) use sanitary products, (d) use the restroom, (e) touch anything that the accused party may have touched, and/or (f) cover up injuries, if any, with make-up, lotions, or creams.

- The Title IX Coordinator will make notifications to appropriate Institution officials, and, where possible, limit the information provided to such officials by taking the Complainant's preferences into consideration (consistent with the section on privacy and confidentiality) including informing Director of Fiscal consistent with the Institutions' Clery Act obligations.
- The Complainant will be given the option to file a criminal report with their local Police Department or another appropriate jurisdiction. A Complainant's decision not to notify the police at the time of the initial report does not preclude the Complainant from filing a criminal report at a later date, provided the conduct is within Michigan's applicable statute of limitations.
- The reporting contact and/or Title IX Coordinator will provide the Complainant a copy of available resources both on and off campus, including coordinating with an off-campus counselor.
- The Title IX Coordinator will review the processes and procedures contained in this Policy, including whether the Complainant wishes to file a Complaint.
- If the Complainant files a Complaint, the Title IX Coordinator shall provide written notice to the Complainant and the Respondent. The notice shall contain the following:
 - A full copy of this Policy, whether in physical or electronic form.
 - A statement of allegations with sufficient detail to allow the parties to respond to the allegations. Sufficient information includes the identities of the parties involved in the incident, the conduct alleged to constitute Sex Discrimination, and the date and location of the alleged incident, to the extent that information is available to the Institution.
 - A statement that the Complainant and the Respondent have a right to an advisor of their choosing throughout the process. The Institution will appoint an advisor at the end of the investigation phase if the party does not have an advisor of choice.
 - Notification that the Institution prohibits knowingly making false statement or knowing submitting false information.
 - A statement that that the parties will have the opportunity to review and inspect relevant evidence.
 - A statement that the Respondent is presumed not responsible for the alleged Sex Discrimination until an adjudication of responsibility is made final and that the parties will have an opportunity to present relevant evidence to a trained, impartial decisionmaker prior to such adjudication being made.

If there are legitimate concerns for the safety of any person because of providing the written notice of Complaint, providing such written notice may be reasonably delayed to address the safety concern appropriately. Safety concerns that would justify delay of providing the written notice must be based on an individualized safety and risk analysis and not mere speculation or stereotypes. In any event, the written notice of Complaint will be provided to a party sufficiently in advance of their initial investigative interview such that the party has sufficient time to prepare.

- After written notice is provided to the Respondent, he, she, or they shall have sufficient time to prepare to respond to the allegations before any initial interview.
- Should the Institution elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the Institution will provide a supplemental written notice describing the additional allegations to be investigated.
- Resources, including supportive measures, will be made available to the Respondent by the Title IX Coordinator.

VIII. REQUESTS FOR ANONYMITY OR THAT NO REPORT BE PURSUED

Recognizing that Sex Discrimination can include criminal acts that violate the security of the entire campus community, there may be instances where the Institution has a responsibility to investigate or disclose information regarding the circumstances related to a specific incident, despite a reporting party's request to the contrary. The Institution will balance individual and community safety considerations with a reporting party's request, the privacy interests and autonomy of a Complainant, as well as the applicable legal requirements, when making decisions regarding such investigations and disclosures.

The Institutions' ability to act to protect the interests of the Complainant and other students is limited by the information provided to it.

Where a Complainant chooses not to file a Complaint, the Title IX Coordinator, with input from whatever administrators they deem advisable, may file a Complaint on behalf of the Institution if careful consideration of multiple factors suggests there is an immediate and serious threat to the health or safety of the Complainant or other person or where not making a Complaint would prevent the Institution from maintaining a non-discriminatory environment. Such factors to be considered include: (1) the Complainant's request not to proceed with initiation of a complaint; (2) the Complainant's reasonable safety concerns regarding initiation of a Complaint; (3) the risk of additional Sex Discrimination; (4) the severity of the alleged Sex Discrimination, including whether the discrimination, if established, would require the removal of the Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence; (5) the age and relationship of the parties involved; (6) whether the alleged perpetrator is an Employee; (7) the scope of the alleged Sex Discrimination, including information suggesting a pattern, ongoing Sex Discrimination, or Sex Discrimination alleged to have impacted multiple individuals; (8) the availability of evidence; and (9) whether the Institution could end the alleged Sex Discrimination and prevent its recurrence without initiating the investigation and adjudication procedures.

If the Title IX Coordinator makes a Complaint, the Title IX Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures.

If the Complainant or the Title IX Coordinator files a Complaint, then the Institution will commence an investigation and proceed to adjudicate the matter. In all cases where a Complaint is filed, the Complainant will be treated as a party, irrespective of the party's level of participation.

In a case where the Title IX Coordinator files a Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

If the Title IX Coordinator elects not to make a Complaint, and no other person makes a Complaint, the Title IX Coordinator will still evaluate the need for and, if appropriate, implement other prompt and effective steps to ensure that Sex Discrimination does not continue or recur in the Institutions' Education Programs or Activities and to remedy its effects, if any.

IX. PRIVACY AND CONFIDENTIALITY

The difference between confidentiality and privacy is defined in the Definitions section above. Regardless of whether a party is designated as a confidential or private resource, the Institution seeks to respect the privacy of all parties involved. The Institution will treat information that it receives in a manner that respects both the Complainant and the Respondent. Recognizing that Sex Discrimination can include criminal acts that violate the entire campus community, there may, however, be instances where the Institution has a responsibility to investigate and/or disclose information regarding the circumstances related to a specific incident. Individual and community safety considerations will be balanced with the privacy interests of all involved, as well as the applicable legal requirements, when making decisions regarding such investigations and disclosures.

A. Employee Reporting Responsibilities & Confidential Resources

All Employees who are aware of Sex Discrimination are required to report this information to Dorsey's Title IX Coordinator. An Employee's duty to Report is triggered when: (1) the Employee receives a Report of potential Sex Discrimination from another person; (2) the Employee observes potential Sex Discrimination; or (3) the Employee learns about potential Sex Discrimination through some other means.

From time to time, the Institutions may host public awareness events regarding Sex Discrimination, whether such events occur in person on campus or through an online platform. When potential Sex Discrimination is disclosed in the context of a public awareness event, the Institution will not act on the information solely because of the disclosure at the public awareness event, unless the information reveals an immediate and serious threat to the health or safety of any person. However, the Title IX Coordinator will use information disclosed during a public awareness event to inform efforts to prevent Sex Discrimination, including by providing tailored training and education.

The Title IX Coordinator will monitor the Institutions' Education Programs or Activities for any barriers to reporting potential Sex Discrimination and take steps reasonably calculated to address any such barriers.

B. FERPA

FERPA limits the extent to which the Institution may disclose personally identifiable information in student records. Whenever it is necessary to comply with FERPA, the Institution reserves the right to redact or limit information provided under this policy. To the extent any provision of this policy is inconsistent with FERPA, the Institution will follow FERPA.

C. The Clery Act and Record Keeping

The Clery Act requires the Institutions to maintain anonymous statistical information in the Institutions' daily crime log and Annual Security Report regarding reports of Clery-identified crimes. The information contained

in the Clery report tracks the number of Clery-reportable offenses occurring at campus locations and does not include the names or any other identifying information about the persons involved in the incident. The Institutions may also share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions. In addition, if a report of a violation of this policy discloses a serious and continuing threat to the campus community as defined in the Clery Act, the Institution will issue a timely warning notification to the community to protect the health or safety of the community.

At no time will the Institution release the name of the Complainant to the general public without the express consent of the Complainant or as otherwise permitted or required by law.

X. SUPPORTIVE MEASURES

After a Report of Sex Discrimination, the Institution will offer reasonable and appropriate measures to facilitate a Complainant's or a Respondent's continued access to the Institution's programs and employment. The supportive measures shall not unreasonably burden either party. The Institution offers a wide range of supportive measures for students and employees, whether as Complainants or Respondents, to provide support and guidance throughout the Institutions' response to a report of Sex Discrimination. These measures are designed to restore and preserve equal access to the school's education program or activities and protect the safety of all parties or the schools' educational environment or deter Sex Discrimination.

Supportive Measures that burden a Respondent will only be imposed after a Complaint is made and will be terminated at the conclusion of the investigation and adjudication process. Supportive Measures that burden a Respondent must be no more restrictive of the Respondent than is necessary to restore or preserve the Complainant's access to the Institutions' Education Programs or Activities and will not be imposed for punitive or disciplinary reasons.

For Supportive Measures, other than those that burden a Respondent, the Institution may, as appropriate, modify or terminate such Supportive Measures at the conclusion of the investigation and adjudication process or at the conclusion of any informal resolution process, or the Institution may continue them beyond that point.

Either party may request that the Title IX Coordinator modify, augment, or terminate Supportive Measures, after their imposition, if circumstances have changed materially.

If a party affected by Supportive Measures qualifies as a person with a disability under applicable law, the Title IX Coordinator may consult, as appropriate, with the individual or office at the Institution designated to provide support to persons with disabilities to ensure that the Institution complies with relevant disability law in the implementation of Supportive Measures.

In every report under this policy, the Title IX Coordinator will discuss the need for potential supportive measures with the senior vice president of education & career services (in the cases where the Respondent is a student) or the human resources director (in the cases where the Respondent is faculty or staff) – or their designee. Upon receiving information regarding the nature of the report, the senior vice president of education & career services or human resources director (or their designee) will make an immediate assessment of any risk of harm to the Complainant, the Respondent, or the broader campus community, and may institute measures he, she, or they deem advisable to protect the Complainant, the Respondent or

broader campus. These steps will include considering and/or implementing supportive measures, where deemed advisable and at his, her, or their sole discretion.

Potential supportive measures include, but are not limited to:

- Imposition of a No Contact Order, which prohibits the Respondent and/or the Complainant from communicating through any manner or medium with the other. Parties will be notified of such orders in person or via their Institution email accounts, and failure to comply with such orders may result in disciplinary action;
- Rescheduling of exams and assignments or other course related adjustments;
- Change in class schedules, including the ability to transfer course sections or withdrawal from a course;
- Change in seating assignment;
- Change in an employee's work schedule or job assignment;
- Assistance from Institution support staff in completing housing relocation;
- Limit of an individual's or organization's access to certain Institution facilities or activities pending the outcome of the matter;
- Leaves of absences;
- Providing an escort to ensure safe movement between classes and activities;
- Providing access to medical services;
- Providing academic support services;
- Institution-imposed administrative leave or separation;
- Information regarding how to obtain a civil protection order; and/or
- Any other remedy, which can be tailored to the involved individuals to achieve the goals of this policy.

Supportive measures are available regardless of whether a reporting party pursues a report or investigation under this policy. The Institution will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of the remedial or protective measures.

The Institution will also provide reasonable supportive measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any relationship with the Institution.

A civil order of protection (PPO) may also be available from a Michigan Circuit Court or another appropriate jurisdiction. For more information about PPOs and how to file for a PPO, visit Michigan Legal Help at <https://michiganlegalhelp.org/self-help-tools/personal-safety/overview-of-personal-protection-orders>. The Title IX Coordinator is available to assist with this process.

Contemporaneously with the Respondent being notified of a Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and the Institution will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The Institution will also offer and make available Supportive Measures

to the Respondent prior to the Respondent being notified of a Complaint if the Respondent requests such measures.

The Institution will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the Institutions' ability to provide the Supportive Measures in question.

XI. RIGHT TO CHALLENGE SUPPORTIVE MEASURES

If a party is affected by the Title IX Coordinator's decision to provide, deny, modify, augment, or terminate Supportive Measures, and wishes to seek a modification or reversal of the decision, the party may appeal the matter to the Institutions assigned appeals officer. Such an appeal must be made in writing and generally must be made within seven (7) days of the date the party is notified of the decision that the party wishes to appeal, provided, however, that the appeals officer may hear appeals made outside the seven (7) day window for good cause shown, after considering all the facts and circumstances. If the Supportive Measures at issue in an appeal are ones that may affect the other party, the appeals officer will notify the potentially affected party and allow that party to submit a written response, prior to deciding the appeal. The decision of the appeals officer is final and not subject to further review.

If a Supportive Measure burdens the Respondent, the Respondent will be given an opportunity to appeal the imposition of the Supportive Measure prior to the Supportive Measure taking effect unless such pre-imposition appeal is impractical, in which case the Respondent will be given an opportunity to appeal as soon as possible after the Supportive Measure has taken effect.

XII. EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE

The Institution may be permitted to remove a Respondent from campus on an emergency basis. In order for the Institution to remove a Respondent from campus, it must conduct an individualized safety and risk analysis. After the analysis, the Institution may remove a Respondent if the Institution determines that an immediate threat to the health or safety of any student or other individual arising from the allegations of Sex Discrimination justifies removal. In the event the Title IX Coordinator imposes an interim removal, the interim removal is subject to appeal pursuant to the appeal procedure specified above in "Right to Challenge Supportive Measure Decisions."

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the Institution may place the Respondent on administrative leave at any time after receiving a report of Sex Discrimination, including during the pendency of the investigation and adjudication process.

For all other Respondents, including independent contractors and guests, the Institution retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sex Discrimination or otherwise.

XIII. THE INVESTIGATION AND PROCEDURES AFTER THE COMPLAINT

The Institutions' process for resolving reports of Sex Discrimination will be prompt and equitable and conducted with the oversight of the Title IX Coordinator. If the Complainant or Title IX Coordinator files a Complaint, the process shall be as set forth below.

From the time a report or Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

A. Formal Investigation

When a Complaint has been filed, a trained investigator (or trained investigators) will conduct a prompt, thorough, and impartial investigation. All parties and witnesses are expected to provide truthful information. Knowingly providing false or misleading information is a violation of Institution policy and can subject a student or employee to disciplinary action. The investigator and/or the Title IX Coordinator will provide timely updates to the Complainant and Respondent, as appropriate or requested, about the timing and the status of the investigation.

The investigator and Title IX Coordinator have the discretion to consolidate multiple reports against a Respondent, reports against more than one Respondent, or reports where the parties are accusing one another (cross complaints) into one investigation if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.

It is the responsibility of the investigator – not the parties – to gather relevant evidence, to the extent possible. The investigator will conduct a fair and reliable fact-gathering process in light of the circumstances. The investigator will be responsible for interviewing the Complainant and the Respondent, interviewing potential witnesses, collecting relevant documentation and physical evidence, creating a timeline (to the extent possible), and preparing a written report documenting the complete investigation. The investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The Complainant and Respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information during the formal investigation process. Witnesses must have observed the acts in question or have information relevant to the incident and cannot participate solely to speak about an individual's character.

The investigator will determine the relevance of any proffered information, and will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait, including honesty.

Medical and counseling records of a Complainant or Respondent are privileged and confidential records that individuals are not required to disclose. However, these records may contain relevant and material information and a party may voluntarily choose to share such records with the investigator. Any records provided by a party becomes part of the file and may be available to review by the opposing party, if deemed relevant to the formal investigation.

A Complainant's prior sexual history will never be used as evidence of character or reputation and will only be considered during an investigation under limited circumstances. For example, where there is a current or ongoing relationship between the parties, and the Respondent asserts that the conduct was consensual, the prior sexual history between the parties may be relevant to assess the manner and nature of communications

between the parties. However, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is not typically relevant and will only be permitted if it is probative of a material fact, for example, to explain an injury or physical finding.

In gathering information, the investigator may also consider other reports of, or findings of responsibility for, similar conduct by the Respondent to the extent such information is relevant and available. Such information may be relevant to prove motive, intent, absence of mistake, pattern, or other material fact.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is Relevant to the allegations in the Complaint. A party who is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

B. Access to Evidence

During the investigation the Institution will allow each party and the party's advisor to review and inspect any evidence obtained as part of the investigation and that is relevant to the allegations, including both inculpatory and exculpatory evidence.

At the conclusion of the investigation, the investigator will complete a written investigation report that fairly summarizes relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The Title IX Coordinator will transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

The investigator will seek to finalize the investigative report within 35 business days of receiving the Complainant's report, but this timeframe may be extended due to the complexity of the circumstances of each allegation, the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for Institution breaks or vacations, and/or to address other legitimate reasons.

C. Right to an Advisor

From the point a Complaint is made, and until an investigation, determination, and appeal are complete, the Complainant and the Respondent may have an advisor of their choice present at any meeting related to the investigation or disciplinary proceeding. An advisor of choice may include an attorney retained by a party at their own expense. Any party accompanied by such an advisor may be required to execute an appropriate FERPA waiver.

Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. Advisors may participate in an advisory capacity to the party they are advising and may be present with the party he, she, or they are advising during all meetings, interviews, and hearings that are a part of the investigation, determination, and appeal process. They may only participate directly during the questioning portion of the live hearing. If a party wishes to speak privately with their advisor during any meeting, interview, or hearing, that party may request a brief recess from the meeting, interview, or hearing.

At the conclusion of the investigation, if the Complainant or Respondent does not have an advisor of choice or if the Complainant or Respondent wish to change advisors or have another advisor appointed, the Institution shall assign a hearing advisor. The hearing advisor is a staff or faculty member designated by the Institution to assist parties during the live hearing in order to cross examine any or all of the evidence. The Title IX Coordinator will assign the hearing advisor at the conclusion of the investigation and before the investigator submits the finalized investigative report. The Title IX Coordinator will provide the investigative report to the hearing advisor.

XIV. HEARING AND DETERMINATION PROCEDURE

The Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the Complaint at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator as specified in "Access to Evidence."

After the hearing officer is appointed by the Title IX Coordinator, the Title IX Coordinator will promptly transmit written notice to the parties notifying the parties of the hearing officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) days from the date of transmittal of the written notice.

A. Party's Written Response to Investigation Report

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;
- A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing officer;
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- Any objection that the party has to the Institutions' Hearing Procedures;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not have an advisor who will accompany the party at the hearing, a request that the Institution provide an advisor for purposes of conducting questioning at the hearing.

A party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the Complaint constitute Sex Discrimination.

B. Pre-Hearing Conference

Prior to the hearing, the hearing officer will conduct a joint or separate pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary Institution personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio. If the hearing officer conducts separate pre-hearing conferences with each party and their advisor, a transcript of the pre-hearing conference will be prepared and maintained in the record. In the hearing officer's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be notified of a request for attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.

The Title IX Coordinator shall make reasonable efforts to secure requested witnesses' presence.

C. Hearing Procedures

The live hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. The pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary Institution personnel together in the same physical location or virtually, at the discretion of the hearing officer. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

While the Hearing Procedures and decisions from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer.
- Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility.
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided.

- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect.
- Opportunity for each party to make a brief closing statement.

The order of the hearing shall be as follows unless otherwise determined by the hearing officer:

- The hearing officer will read the “Rules of Decorum”.
- The parties, hearing advisors and witnesses will agree to the Rules of Decorum.
- The hearing officer will ask questions of the parties.
- The Complainant’s advisor will ask questions of the Respondent.
- The Respondent’s advisor will ask questions of the Complainant.
- Any witnesses present will answer questions of the hearing officer, Complainant’s advisor; and the Respondent’s advisor, in this order (the hearing officer shall determine in which order the witnesses’ will be called for questioning).
- The Complainant will make a closing statement.
- The Respondent will make a closing statement.

Either party is not permitted to question the other party or any witness.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the Title IX Coordinator, and other necessary Institution personnel. Except for the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete.

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited in the discretion of the hearing officer.

Subject to the minimum requirements specified in this section, the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions to ensure they are clear, relevant, and not harassing, and will exclude questions and evidence that are inadmissible. The hearing officer will give a party’s advisor an opportunity to clarify or revise a question that the hearing officer has determined is unclear or harassing and, if the advisor sufficiently clarifies or revises the question, the question will be permitted. The hearing officer will resolve any other contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings, including any decision that a question or evidence is not relevant.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The hearing officer will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this section are met.

The Complainant and Respondent’s closing statements shall be directed to the hearing officer and not at the other party. It should follow the Rules of Decorum. At any time, the hearing officer may stop either party

during their closing statement if he, she, or they feel the statement is directed at the other party or does not follow the Rules of Decorum.

In the event a party or witness who was interviewed during the investigation declines to attend the hearing or attends the hearing but does not respond to questions that have been deemed relevant and not impermissible, the hearing officer may consider the individual's statements, although the hearing officer must consider whether the individual's failure to attend and/or respond to questions about their credibility should affect the weight to be given to such statement. The hearing officer may choose to place less or no weight upon the individual's prior statements, provided that the hearing officer may not draw an inference about whether Sex-Based Harassment occurred based solely on a party's or witness' refusal to respond to questions.

Within 10 Institution business days from the date of the live hearing's conclusion, the hearing officer shall make a determination as to whether, based on the preponderance of the evidence standard, the Respondent committed an act or acts of Sex Discrimination in violation of this policy. A determination letter will be provided via the party's Dorsey email account, the party's personal email account or via hand-delivery. The determination letter will be sent to each party, simultaneously, containing the following:

- Summary of the allegations of Sex Discrimination and the specific prohibited conduct.
- Information about the policies and procedures the Institution used to evaluate the allegations.
- Summary of the procedural steps taken from the time the Institution received the Complaint, including notifications to the parties and interviews.
- Findings of fact with respect to each allegation.
- A statement regarding determination of responsibility as to each allegation.
- A statement of rationale for the result as to each allegation.
- If applicable, any disciplinary sanctions the school imposes on the Respondent.
- Appeal procedures and permissible basis for appeals.

Sanctions for violations of this policy may include those listed under Supportive Measures, and are included, but are not limited to expulsion, suspension, disciplinary probation, mandated counseling, assessment, alcohol, Sex Discrimination, and/or drug education program, restrictions on campus privileges, restrictions on participating in student activities, community service, educational sanctions, No-Contact Orders, changes to employees' work schedules or job assignments, leaves of absence, Institution-imposed administrative leave or separation, employee counseling, termination, and/or any other sanction which can be tailored to the involved individuals to achieve the goals of this policy.

In determining the appropriate sanction, the hearing officer may consider the following factors:

- The nature and violence of the conduct at issue;
- The impact of the conduct on the Complainant;
- The impact of the conduct on the Institution community;
- Prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, both at the Institution or elsewhere, and any criminal convictions or arrests;
- How the Institution has previously sanctioned similar conduct;

- Whether the Respondent has accepted responsibility for the conduct;
- Maintenance of a safe and respectful learning and working environment;
- Protection of the Institution community; and
- Any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate outcome in each case.

If the Respondent is suspended and later wishes to return to campus after completing his, her, or their period of suspension, the Institution shall notify the Complainant if (a) the Respondent's request to return has been approved, and (b) when the Complainant is currently enrolled in the Institution.

XV. THE APPEAL PROCESS

Either party may appeal the determination letter. All appeals are due, in writing, to the Title IX Coordinator within five (5) Institution business days following the determination letter being sent. If a request is not received within five Institution business days, the determination letter shall be final. Limited extensions to appeal will only be given for extraordinary circumstances and shall be approved by the appeal officer at his or her discretion.

If a party appeals, such appeal shall consist of the Respondent's or Complainant's name, the email address where he, she, or they can be reached, a plain, concise, and complete written statement outlining the basis for the appeal (see below) and all relevant information to substantiate the grounds for appeal.

The appeal will be decided by an appeal officer. The appeal officer is an administrator designated by the Institution to determine appeals. The appeal officer will be appointed upon filing of an appeal by either party. The Title IX Coordinator shall inform the parties of the administrator appointed as the appeal officer in writing via email. If the appeal officer has a conflict of interest or bias against the Complainant or Respondent, as determined by the Title IX Coordinator, the Title IX Coordinator will appoint another appeal officer, at his, her or their discretion. Any such proposed conflict may be raised by the Title IX Coordinator, the appeal officer, the Complainant or the Respondent by notifying the Title IX Coordinator in writing of such conflict and the factual basis for any alleged conflict.

The grounds for appeal may only be one or more of the following:

- A. Procedural irregularity that affected the outcome of the matter;
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The other party will have an opportunity to review the appeal and may submit a written response to the appeal to the appeal officer within three Institution business days following the appeal being sent to that party. The appeal officer may, in the appeal officer's discretion, provide both parties with an opportunity to speak to the merits of the appeal in person, through videoconference, or over the phone.

Except in extraordinary circumstances, appeals will be resolved by the appeal officer within seven Institution business days following receipt of the request for appeal, but only after the other party has had three Institution business days to respond. The Appeals Officer shall issue a written decision describing the result of the appeal and the rationale, with simultaneous, written notice to both parties. The written decision shall be provided to each party simultaneously via their Dorsey student email account or personal email account.

The decision of the Appeal Officer is a final determination.

XVI. INFORMAL RESOLUTION

At any time after the parties are provided written notice of the Complaint, and prior to reaching a final determination, the Institution may facilitate an informal resolution that does not involve a full investigation and determination. The Title IX Coordinator may reject the use of informal resolution in a specific case despite one or more of the parties' wishes. Informal resolution will not be permitted in any case where informal resolution would otherwise conflict with federal, state, or local law.

Before beginning any informal resolution process, the Institution shall obtain the Complainant and Respondent's voluntary, written consent to the informal resolution. Additionally, the Institution shall provide written notices to the Complainant and Respondent containing the following:

- Describes the allegations if such notice has not already been provided in writing.
- Describes the parameters and requirements of the informal resolution process to be utilized.
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another Institution official, or a suitable third-party).
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Complaint.
- Explains that either party has the right to withdraw from informal resolution and initiate or resume the investigation and adjudication process.
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.
- Explains potential terms that may be requested or offered in the informal resolution, including restrictions on contact and restrictions on the Respondent's participation in one or more of the Institutions' Education Programs or Activities.
- Explains that an informal resolution agreement is binding only on the parties.
- Describes which records will be maintained or could be shared.
- Explains if the Institution resumes its investigation and adjudication process, the Institution will not access, consider, disclose, or otherwise use information, including records, obtained solely through the informal resolution process as part of the investigation or determination of the Complaint.
- Explains that, if the Institution resumes its investigation and adjudication process, the person facilitating informal resolution could serve as a witness for purposes other than providing information obtained solely through the informal resolution process.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed

resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the Institution, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the Institution. Informal resolution pursuant to this Section are not subject to appeal.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized. Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21) days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

Nothing in this section diminishes the Title IX Coordinator's obligation to take prompt and effective steps when necessary to ensure that Sex Discrimination does not continue or recur within the Institutions' Education Programs or Activities.

XVII. TIMEFRAME

Except for good cause, the Institution will attempt to resolve a Complaint, including the investigation, hearing and appeal process, between 65-75 Institution business days following receipt of a report. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness, fairness, and impartiality. The Institution may extend this timeframe for good cause and will communicate any delay in the process in writing to the parties, including an updated timeframe for completion and the reason(s) for the delay. Good cause may exist for a variety of factors, including but not limited to the complexity of the circumstances of each allegation, the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for Institution breaks or vacations, and/or to address other legitimate reasons.

XVIII. DISMISSAL OF A COMPLAINT

The Institution may dismiss a Complaint of Sex Discrimination if at any time:

- The Institution is unable to identify the Respondent after taking reasonable steps to do so.
- The Respondent is not participating in the Institutions' Education Programs or Activities and is not employed by the Institution.
- The Complainant voluntarily withdraws any or all the allegations in the Complaint, in writing, and the Title IX Coordinator determines that without the withdrawn allegations, the conduct that remains part of the Complaint, if any, would not constitute Sex Discrimination even if proven.
- After first taking reasonable efforts to clarify the allegations, the Title IX Coordinator determines that the conduct alleged in the Complaint, even if proven, would not constitute Sex Discrimination.

Upon dismissal of a Complaint, the Institution shall send written notification of the dismissal to the Complainant and Respondent simultaneously. The written notice to the Complainant and/or the Respondent,

as applicable, must advise the party of their right to appeal the dismissal pursuant to the procedures specified in “Appeal.”

Even when a Complaint is dismissed, the Complainant and, as applicable, the Respondent, are still eligible for Supportive Measures as set forth in “Supportive Measures,” and the Title IX Coordinator shall evaluate whether to take other prompt and effective steps to ensure that Sex Discrimination does not continue in the Institutions’ Education Programs or Activities.

XIX. RESOURCES

Any individual who has experienced Sex Discrimination is strongly encouraged to seek immediate emergency assistance from law enforcement, medical professionals, and/or crisis counseling resources. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

The Institution is committed to treating all members of the community with dignity, care, and respect. Any individual affected by Sex Discrimination, whether as a Complainant, Respondent, witness, or third party, will have equal access to support consistent with the individual’s needs and available Institution resources. This section provides contact information for Institution resources, resources in the metro-Detroit, Saginaw and Grand Rapids communities, and national resources.

Prompt intervention can do much to mitigate trauma associated with acts of Sex Discrimination and enhance recovery. Complainants are encouraged to utilize appropriate resources, whether or not they report the Sex Discrimination to law enforcement or the Institution. Any campus community member in need of resources or assistance relating to any of the matters covered by this policy is encouraged to contact one of the on-campus or off-campus resources or reporting contacts listed in this policy.

A. Emergency Resources

For emergency assistance, Complainants are strongly encouraged to contact the appropriate resource per the table below, the local police department, and emergency medical or counseling services.

LOCAL EMERGENCY AND AGENCY PHONE NUMBERS			
POLICE / FIRE DEPARTMENT EMERGENCY NUMBER IN ALL AREAS – CALL 911			
<u>Location</u>	<u>Police</u>	<u>Fire</u>	<u>Animal Control</u>
EMERGENCY	9-1-1	9-1-1	9-1-1
Dearborn	(313) 943-2241	(313) 943-2242	(313) 791-3497
Grand Rapids	(616) 456-3000	(616) 456-3000	(616) 632-7300
Madison Heights	(248) 585-2100	(248) 588-3605	(248) 837-2784
Roseville	(916) 774-5000	(586) 778-1360	(248) 858-0550
Saginaw	(989) 759-1236	(989) 791-9800	(989) 797-4500
Taylor	(734) 287-6611	(734) 375-1355	(734) 287-6550

LOCAL EMERGENCY AND AGENCY PHONE NUMBERS			
POLICE / FIRE DEPARTMENT EMERGENCY NUMBER IN ALL AREAS – CALL 911			
<u>Location</u>	<u>Police</u>	<u>Fire</u>	<u>Animal Control</u>
EMERGENCY	9-1-1	9-1-1	9-1-1
Wayne	(734) 721-1414	(734) 722-1111	(734) 721-1643
Woodhaven	(734) 676-7337	(734) 675-4918	(734) 675-4008

LOCAL EMERGENCY AND AGENCY PHONE NUMBERS			
POLICE / FIRE DEPARTMENT EMERGENCY NUMBER IN ALL AREAS – CALL 911			
Michigan State Police	(866)-500-0017	Poison Control Center:	(800) 222-1222
Kent County Sheriff	(616) 632-6100		
Oakland County Sheriff	(248) 437-5600	Amer Red Cross-SE Mich:	(313) 833-4440
Macomb Co Sheriff	(586) 469-5151	Amer Red Cross-Saginaw:	(989) 754-8181
Saginaw Co Sheriff	(989) 790-5456	Amer Red Cross-W Mich:	(616) 456-8661
Wayne County Sheriff	(734) 721-2222		
FBI – Detroit Field Office	(313) 965-2323		

Anonymous reports can also be submitted on the Institution’s compliance hotline/website at (866) 526-1053 or <https://secure.ethicspoint.com/domain/media/en/gui/81009/index.html>. Sexual misconduct submitted through the anonymous website will be shared with the Title IX Coordinator and trained resource team. Private reports can also be submitted via email at Grievance@Dorsey.edu.

B. Confidential Resources

The *only* Institution resources that afford complete confidentiality (assuming no other conditions require mandatory disclosure, *i.e.*, suspected child abuse or neglect or imminent risk of harm to self or others) are WellConnect (for students and staff) and the MetLife Employee Assistance Program.

Speaking confidentially to these resources does not require a report to the Title IX Coordinator, or any other reporting body, without the consent of the Complainant.

- Institution Resources.
 - **WellConnect** Main student support line (866) 640 – 4777; <http://WellconnectForYou.com>, School code: DSMCH-STU

- Medical Services in the Community.
 - **Covenant Medical Center**, 1447 N Harrison St, Saginaw, MI 48602, (989) 583-7000
 - **Henry Ford Wyandotte Hospital**, 2333 Biddle Ave, Wyandotte, MI 48192 (734) 246-6000
 - **Corewell Health Dearborn Hospital**, 18101 Oakwood Blvd, Dearborn, MI 48124, (313) 593-7440
 - **Ascension Macomb-Oakland** - 11800 Twelve Mile Rd, Warren, MI 48093, (586) 573-5000

- Additional Confidential Resources in the Community.
 - **Turning Point Advocacy Services**, 24-hour hotline (586) 463-6990, <https://turningpointmacomb.org/>
 - **Equality Michigan**, Serving the Lesbian, Gay, Bisexual, and Transgender Community, P.O. Box 19847, Kalamazoo, MI 49019, Hotline: (313) 537-7000
 - **YWCA – West Central Michigan**, 25 Sheldon Ave SE, Grand Rapids, MI 49503 (616) 459-4681, (616) 454-9922 (24-hour access)
 - **YWCA of Metropolitan Detroit**, 985 E Jefferson Ave Ste 101, Detroit, MI 48207 (313) 259-9922, (313) 561-5300 (24-hour access)
 - **YWCA Greater Flint**, 801 S Saginaw St, Flint, MI 48501 (810) 238-7621, (810) 238-7233 (24-hour access)

- Additional National Online Confidential Resources
 - **National Sexual Violence Resource Center**, <https://www.nsvrc.org/>
 - **Rape, Abuse, & Incest National Network (RAINN)**, 24 hours hotline (800)656-HOPE (4673) or <https://www.rainn.org/>
 - **National Domestic Violence Hotline**, <https://www.thehotline.org/>, (800)799-7233 or (800)799-3224(TTY)

C. Campus Non-Confidential Resources

The following campus departments can provide resources, guidance and assistance to students. These departments are required to share all reports of Sexual Misconduct with the Title IX Coordinator.

- Senior Vice President of Education & Career Services. Mickey McLean, 31799 John R Road, Madison Heights, MI 48071, Ph: 248.585.9200, ext. 11318, mmclean@Dorsey.edu
- Director of Human Resources. Wanda Bjeijy, 31799 John R Road, Madison Heights, MI 48071, Ph: 248.585.9200, ext. 11326, wbeijy@Dorsey.edu

D. Staff and Faculty Resources

The Institution is concerned with the well-being of its staff members, its faculty, and their families. WellConnect is a benefit set up by Dorsey to provide employees assistance for themselves and their immediate family members in dealing with personal concerns. Assessment, short-term counseling, and referral services are available for concerns such as domestic violence, anxiety, marital issues, relationship

issues, etc. Additionally, an employee assistance program through MetLife is available to provide consultation and support in work-life areas such as financial services, childcare and eldercare assistance, identity theft recovery services, legal services, and daily living services. To use the services, contact

- **WellConnect**, Faculty & administrative support team (844) 208 – 7070; <http://WellconnectForYou.com>, School code: DSMCH-FAC
- **MetLife Employee Assistance Program**, (888) 319-7819; TDD (800) 999-3004

XX. TRAINING

The Institution will offer students and employees with primary prevention and awareness programming, initiatives, strategies and campaigns that promote awareness of and seek to end Sex Discrimination, relationship violence, sexual assault, sexual exploitation, retaliation, and stalking (“awareness programming”). Such awareness programming will include (a) a statement that Sex Discrimination is prohibited, (b) definitions of those offenses, (c) the definition of consent, (d) safe and positive options for bystander intervention to prevent harm or intervene in risky situations, (e) recognition of signs of abusive behavior and how to avoid potential attacks, and (f) ongoing prevention and awareness campaigns.

The investigators, advisors, informal resolution facilitators, appeal, and hearing officers will be trained at least annually by the Title IX Coordinator and/or outside sources on issues relating to Sex Discrimination; including the definition and scope of the school’s education program or activity, the school’s obligations under Title IX, the school’s formal and informal procedures under this Policy, their roles and responsibilities under this Policy, the Policy’s recordkeeping requirements, serving impartially, the meaning and application of the term relevance in relation to questions and evidence, and the types of evidence that are impermissible.

XXI. RECORDKEEPING

Throughout all stages of the investigation and adjudication, the Title IX Coordinator is responsible for maintaining documentation of all proceedings conducted under this policy.

The Institution will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of seven years after which point in time they may be destroyed, or continue to be retained, in the Institutions’ sole discretion. The records specified in 34 C.F.R. § 106.45(b)(10) will be made available for inspection, and/or published, to the extent required by 34 C.F.R. § 106.45(b)(10) and consistent with any other applicable federal or state law, including FERPA.

XXII. CONFLICTS OF INTEREST, BIAS, AND PROCEDURAL COMPLAINTS

The Title IX Coordinator, investigator, hearing officer, appeals officer, informal resolution facilitator, and other officials implementing this Policy will be free of any material conflicts of interest or material bias. Any party who believes one or more of these Institution officials has a material conflict of interest or material bias must raise the concern promptly so that the Institution may evaluate the concern and find a substitute, if appropriate. The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal or otherwise.

XXIII. OBJECTIONS GENERALLY

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that the Institution may evaluate the matter and address it, if appropriate.

XXIV. BAD FAITH COMPLAINTS AND FALSE INFORMATION

It is a violation of this Policy for any person to submit, or to aid or abet another to submit, a Report or Complaint that the person knows, at the time the Report or Complaint is submitted, to be false or frivolous. It is also a violation of this Policy for any person to knowingly make, or to aid or abet another to make, a materially false statement during the course of an investigation, adjudication, or appeal under this Policy, although a party, witness, or other person who knowingly makes a materially false statement will not be punished based solely on the Institutions' determination of whether Sex Discrimination occurred. Violations of this section are not subject to the investigation and adjudication processes in this Policy; instead, they will be addressed under the Student Code of Conduct in the case of students and other Institution policies and standards, as applicable, for other persons.

XXV. RETALIATION

It is a violation of this policy to engage in Retaliation. Reports and Complaints of Retaliation may be made in the manner specified in "Reporting Sex Discrimination," and "Making a Complaint." Any Report or Complaint of Retaliation will be processed under this Policy in the same manner as a Report or Complaint of Sex Discrimination, as the case may be. The Institution retains discretion to consolidate a Complaint of Retaliation with a Complaint of Sex Discrimination for investigation and/or adjudication purposes if the two Complaints share a common nexus.

XXVI. RECORDINGS

Wherever this Policy specifies that an audio or video recording will be made, the recording will be made only by the Institution and is considered property of the Institution, subject to any right of access that a party may have under this Policy, FERPA, and other applicable federal, state, or local laws. Only the Institution is permitted to make audio or video recordings under this Policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this Policy is strictly prohibited.

XXVII. SIGNATURES AND FORM OF CONSENT

For purposes of this Policy, either a physical signature or digital signature will be sufficient to satisfy any obligation that a document be signed. Where this Policy provides that written consent must be provided, consent in either physical or electronic form, containing a physical or digital signature will suffice.

XXVIII. DEADLINES, TIME, NOTICES, AND METHOD OF TRANSMITTAL

Where this Policy specifies a period of days by which some act must be performed, the following method of calculation applies:

Exclude the day of the event that triggers the period.

Unless business are specified, count every day, including intermediate Saturdays, Sundays, and legal holidays recognized by the federal government.

Include the last day of the period until 5:00 p.m. central time, but if the last day is a Saturday, Sunday, or legal holiday recognized by the federal government, the period continues to run until 5:00 p.m. central time on the next day that is not a Saturday, Sunday, or legal holiday recognized by the federal government.

All deadlines and other time periods specified in this Policy are subject to modification by the Institution where, in the Institutions' sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator, hearing officer, or the parties; the need to consult with the Institutions' legal counsel; unforeseen weather events; and the like.

Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with the investigator, hearing officer, appeals officer, or Title IX Coordinator, as the case may be, depending on the phase of the process. Such request must state the extension sought and explain what good cause exists for the requested extension. The Institution officer resolving the request for extension may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be in the sole discretion of the Institution.

The parties will be provided written notice of the modification of any deadline or time period specified in this Policy, along with the reasons for the modification.

Where this Policy refers to notice being given to parties "simultaneously," notice will be deemed simultaneous if it is provided in relative proximity on the same day. It is not necessary that notice be provided at exactly the same hour and minute.

Unless otherwise specified in this Policy, the default method of transmission for all notices, reports, responses, and other forms of communication specified in this Policy will be email using Institution email addresses. If a party does not have a Institution email address, the party will be required to provide an email address to the Title IX Coordinator at the inception of a matter. A party may not insist or demand that the Institution communicate only through a party's representative, including an attorney.

A party is deemed to have received notice upon transmittal of an email to their Institution email address or, if they do not have a Institution email address, the email address they supply to the Title IX Coordinator at the inception of a matter.

If unforeseen circumstances necessitate notice be provided by U.S. mail, a party will be deemed to have received notice three (3) days after the notice in question is postmarked.

Any notice inviting or requiring a party or witness to attend a meeting, interview, or hearing will be provided with sufficient time for the party to prepare for the meeting, interview, or hearing as the case may be, and will include relevant details such as the date, time, location, purpose, and participants. Unless a specific number of days is specified elsewhere in this Policy, the sufficient time to be provided will be determined in the sole discretion of the Institution, considering all the facts and circumstances, including, but not limited to, the nature of the meeting, interview, or hearing; the nature and complexity of the allegations at issue; the schedules of relevant Institution officials; approaching holidays or closures; and the number and length of extensions already granted.

XXIX. OTHER FORMS OF DISCRIMINATION

This policy applies only to Sex Discrimination. Complaints of other forms of protected-status discrimination, such as discrimination based on race, national origin, ethnicity, age, and disability, are governed by the Statement Of Non-Discrimination and Non-Harassment.

XXX. FACTS AND DETERMINATIONS BINDING

If a Complaint is dismissed or proceeds to a written decision of adjudication, and after any such dismissal or written decision is final, the facts and determinations made by the Institution are binding on the parties and may not be relitigated, challenged, or otherwise collaterally attacked by the parties in any other Institution process or procedure. Additionally, a Complainant may not file successive Complaints under this Policy about the same incident or course of conduct, even if the Complainant alleges a new theory of Sex Discrimination arising from the same incident or course of conduct that was the subject of a prior written decision. Further, to the extent a complaint of Policy and Practice Discrimination has proceeded to a written decision, such written decision is binding on different Complainants with respect to the same Policy and Practice Discrimination, unless such different Complainant alleges materially different facts that could result in a different outcome.

XXXI. OUTSIDE APPOINTMENTS, DUAL APPOINTMENTS, AND DELEGATIONS

The Institution retains discretion to retain and appoint suitably qualified persons who are not Institution employees to fulfill any function of the Institution under this Policy, including, but not limited to, the Title IX Coordinator, investigator, hearing officer, informal resolution facilitator, and/or appeals officer.

The Institution also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, hearing officer, informal resolution facilitator, and/or appeals officer.

The functions assigned to a given Institution official under this Policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, hearing officer, informal resolution facilitator, and appeals officer, may, in the Institutions' discretion, be delegated by such Institution official to any suitably qualified individual and such delegation may be recalled by the Institution at any time.

XXXII. DUAL STATUS PERSONS

Where an individual is both a Student and an Employee of the Institution, and to the extent the distinction between Student or Employee status is material for any standard, obligation, right, or process set forth in this Policy, the Title IX Coordinator will determine the individual's status for purposes of this Policy. Such determination shall be made after a fact-specific inquiry that includes consideration of relevant circumstances, including whether the individual's primary relationship to the Institution is to receive an education or to work, and in what capacity the person was acting (or failing to act) with regard to the events in question.

XXXIII. VOLUNTEERS, VENDORS, CONTRACTORS AND THIRD PARTIES

The Institution does business with various volunteers, vendors, contractors, and other third-parties who are not Students or Employees of the Institution. Notwithstanding any rights that a given volunteer, vendor, contractor, or third-party Respondent may have under this Policy, the Institution retains its right to limit any volunteer, vendor, contractor, or third-party's access to campus for any reason. And the Institution retains

all rights it enjoys by contract or law to terminate its relationship with any volunteer, vendor, contractor, or third-party irrespective of any process or outcome under this Policy.

XXXIV. EXERCISE OF RIGHTS

The rights afforded to Complainants and Respondents throughout this Policy are personal to Complainants and Respondents and may not be exercised by a third-party unless the third-party has the legal right to act on the party's behalf. As a general rule, parents do not have the right to act on behalf of adult students and are not entitled to participate in the investigation and adjudication processes in this Policy unless they are acting in the role of an advisor. If a Complaint alleges Policy and Practice Discrimination against the Institution itself, such that no individual person is a Respondent, the relevant department or unit whose policy or practice is at issue may appoint an individual to represent the department or unit's interest and to act as a nominal Respondent in such individual's official capacity on behalf of the department or unit at issue.

XXXV. CHANGES IN THE LAW

In the event a change in controlling law conflicts with some provision of this Policy, necessitates the modification of some provision of this Policy, or mandates the inclusion of new provisions not included, the Institution may immediately apply the Policy in a manner consistent with such controlling law, after providing written notice to the parties of the change in controlling law, even if the Policy has yet to be formally amended to address the change in controlling law.

XXXVI. DEFINITIONS

Words used in this Policy will have those meanings defined herein and if not defined will be construed according to their plain and ordinary meaning.

XXXVII. DISCRETION IN APPLICATION

The Institution retains discretion to interpret and apply this Policy in a manner that is not clearly unreasonable, even if the Institutions' interpretation or application differs from the interpretation of the parties.

Despite the Institutions' reasonable efforts to anticipate all eventualities in drafting this Policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express language, in which case the Institution retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this Policy and the Rules of Decorum referenced in this Policy are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the Institution retains discretion to revise this Policy and Policy revisions to an active case provided that doing so is not clearly unreasonable.