



Human Resources HR 20.12: Title IX – Sexual Discrimination, Harassment and Misconduct Compliance Policy

RESPONSIBILITY

The policies and procedures reflected in this document apply to the following: faculty (full-time and adjunct), staff (full-time and part-time) and student employees (work-study and graduate assistants), partners, vendors and any other entity doing business for, or with, Calumet College of St. Joseph.

POLICY

Members of the College Community have the right to be free from all forms of Sexual Harassment which impede the realization of the College's mission of Calumet College of St. Joseph. All members of the College Community are expected to conduct themselves in a manner that maintains an environment free from Sexual Harassment. As such, Calumet College of St. Joseph does not discriminate on the basis of sex and is committed to providing an educational environment free from sex discrimination.

As a recipient of federal funding, the College is required to comply with Title IX of the Higher Education Amendments of 1972, 10 U.S.C. § 1681 et seq. (Title IX). Title IX is a federal civil rights law that prohibits discrimination on the basis of sex — including pregnancy discrimination and Sexual Harassment — in educational programs and activities. Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity.

Sexual Harassment is defined broadly under this Sexual Discrimination, Harassment and Misconduct Compliance Policy. Sexual Harassment includes Sexual Assault, Sexual Harassment, Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Sexual Exploitation, Sexual Misconduct with a Minor, Child Molesting, and sex discrimination, as defined below. Sexual Harassment is a violation of College policy, state and federal civil rights laws, and may violate state and federal criminal laws. When an allegation of Sexual Harassment is brought to an appropriate individual's attention, and a Respondent is found to have violated this policy, the College will issue appropriate sanctions to prevent future misconduct.

The College reserves the right to take whatever measures it deems necessary in response to an allegation of Sexual Harassment in order to protect the rights and personal safety of students, employees, and other members of the College Community. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting the matter to local police. Not all forms of Sexual Harassment will be deemed to be equally serious offenses, and the College reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The College will consider the concerns and rights of both the Complainant and the Respondent.

DEFINITIONS

The following terms and definitions apply to this Policy.

TERM	DEFINITION
Actual Knowledge	Notice of Sexual Harassment or allegations of Sexual Harassment to a College's Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. This standard is not met when the only official of the College with Actual Knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College. "Notice" includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. Examples of an employee with authority to institute corrective measures on behalf of the College include deans, associate deans, vice presidents, coaches, Title IX Coordinator and deputy coordinators, directors, resident and graduate assistants, human resources staff, campus safety officers, administrators, and other employees as outlined Section IV: Mandatory Reporter.
Child Molesting	A person at least 18 years of age who, with a child under 14 years of age, performs or submits to sexual intercourse or sexual misconduct, or performs or submits to any fondling or touching for the purpose of sexually gratifying either person.
Complainant	An individual who is alleged to have experienced conduct that may violate this policy. For purposes of this policy, a complainant may be: (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in Calumet College's education program or activity at the time of the alleged sex discrimination.
Consent	Permission that is clear, knowing, voluntary, and expressed prior to engaging in and during an act. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as Consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. A. Consent to any one form of sexual activity cannot automatically imply Consent to any other forms of sexual activity. B. Consent may be withdrawn at any time. C. Previous relationships or prior Consent cannot imply Consent to future sexual acts; this includes "blanket" Consent (i.e., permission in advance for any/all actions at a later time/place). D. Consent cannot be given by an individual who one knows to be – or based on the circumstances should reasonably have known to be – substantially impaired (e.g., by alcohol or other drug use,

	unconsciousness, etc.). i. Substantial impairment is a state when an individual cannot make rational, reasonable decisions because they lack the capacity to give knowing Consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). ii. This also covers individuals whose substantial impairment results from other physical or mental conditions including mental disability, sleep, involuntary physical restraint, or from the consumption of alcohol or other drugs. iii. Being impaired by alcohol or other drugs will never function as a defense for any behavior that violates this policy. E. It is the obligation of the person initiating the sexual activity to obtain Consent. F. An individual cannot Consent who has been coerced, including being compelled by force, threat of force, or deception; who is unaware that the act is being committed; or who is coerced by a supervisory or disciplinary authority. i. Force: violence, compulsion, or constraint; physically exerted by any means upon or against a person. ii. Coercion: the application of pressure by the Respondent that unreasonably interferes with the Complainant's ability to exercise free will. Factors to be considered include, but are not limited to, the intensity and duration of the conduct. G. A person who does not want to Consent to sex is not required to resist or verbally object. H. Withdrawal of Consent can be manifested through conduct and need not be a verbal withdrawal of Consent (i.e. crying, pulling away, pushing away, not actively participating, laying there, uncomfortable or upset facial expression). I. Consent may not be given by an individual who has not reached the legal age of Consent under applicable law.
Dating Violence	Violence committed by a person: A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and B. Where the existence of such a relationship shall be determined based on a consideration of the following factors: i. The length of the relationship; ii. The type of relationship; and iii. The frequency of interaction between the persons involved in the relationship.
Decision Maker	A pair of administrators who oversee(s) any hearing or appeal which takes place as part of the formal resolution process.

Domestic Violence	A felony or misdemeanor crimes committed by a person who: A. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of Calumet College, or a person similarly situated to a spouse of the victim; B. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; C. Shares a child in common with the victim; or D. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.
Faculty-Student Consensual Relations	It is a violation of this policy if faculty members, coaches, advisors or other staff members become involved in amorous or sexual relationships with students who are enrolled in their classes or subject to their supervision, even when both parties appear to have consented to the relationship. Because of the imbalance of power implicit in the relationship between a faculty member and a student, a sexual relationship between them is inappropriate and must be avoided, regardless of whether the relationship is consensual. Likewise, it is a violation for a supervisor and a directly reporting employee to have a consensual amorous or sexual relationship with each other.
Formal Complaint	A complaint filed by the Complainant or the College that triggers the College's full investigation and hearing process under Title IX.
Hearing Officer	The hearing officer(s) who oversee(s) any hearing which takes place as part of the resolution process. The administrative hearing will consist of a panel of at least two (2) College employees trained to hear cases involving Sexual Harassment.
Inducing Incapacitation	This includes the provision of alcohol or drugs to an individual, with or without that individual's knowledge, for the purpose of causing impairment or intoxication or taking advantage of that individual's impairment or intoxication.
Investigator	An individual assigned by the Title IX Coordinator to investigate the alleged Sexual Harassment and oversee the investigative hearing.
Media-Based Misconduct	Photographing or taping someone (via audio, video or otherwise) involved in sexual activity, or in a state of undress, without his or her knowledge or consent. Even if a person consented to sexual activity, photographing or taping someone without his or her knowledge and agreement goes beyond the boundaries of that consent. Dissemination of photographs or video/audio of someone involved in sexual activity, or in a state of undress, without his or her knowledge or consent constitutes a separate and additional act of sexual misconduct.
Other Inappropriate Sexual Contact	Having or attempting to have sexual contact of any kind other than that defined as "sexual violence" with another individual without consent. Other inappropriate sexual contact may include kissing, touching or making other inappropriate contact with the breasts, genitals, buttocks, mouth, or any other part of the body that is touched in a sexual manner and without permission.
Peer Retaliation	Retaliation by a student against another student.
Relationship Violence	A broad term that encompasses domestic violence and dating violence.
Respondent	A person who is alleged to have violated Calumet College's prohibition on sex discrimination.
Sexual Assault	An offense classified as a forcible or nonforcible sex offense under the uniform

	crime reporting system of the Federal Bureau of Investigation
Non-Consensual Sexual Contact	Any intentional sexual touching, however slight, with any body part or object, by any individual upon another that is without consent and/or by force or coercion. Sexual contact includes: intentional contact with the breasts, buttock, groin or genitals, or touching another with any of these body parts or object, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other office.
Non-Consensual Sexual Penetration	Any sexual penetration, however slight, with any body part or object by any individual upon another that is without consent and/or by force or coercion. Sexual penetration includes: vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact); no matter how slight the penetration or contact.
Sexual Exploitation	Occurs when an individual takes non-consensual or abusive sexual advantage of another for that individual's own advantage or benefit, or to benefit or advantage anyone other than the individual exploited. Examples of sexual exploitation include but not limited to: A. Engaging in voyeurism; B. Exploiting one's genitals in non-consensual circumstances; including another to expose their genitals; C. Going beyond the boundaries of consent (e.g., letting others hide in a closet to watch you having consensual sex); D. Invasion of sexual privacy; E. Knowingly transmitting a sexually transmitted infection (STI) to another; F. Non-consensual pictures, video or audio-recording of sexual activity, or the nonconsensual distribution of such material; G. Possession, use, and/or distribution of alcohol or other drug (e.g. Xanax, Ambien, Benadryl, Rohypnol (Roofies), Ketamine, GHB, etc.) for the purpose of engaging in or facilitating any activity prohibited under this policy; and H. Prostituting another.
Sexual Misconduct with a Minor	A person at least 18 years of age who, with a child at least 14 years of age but less than 16 years of age, performs or submit to sexual intercourse or sexual misconduct, or performs or submits to any fondling or touching for the purpose of sexually gratifying either person.
Sexual Violence	Sexual acts perpetrated without Consent.
Stalking	Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: A. Fear for the person's safety or the safety of others; or B. Suffer substantial emotional distress.
Sex-based harassment	A form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related

	conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.
Quid pro quo harassment	A. an employee agent, or other person authorized by the Recipient, B. to provide an aid, benefit, or service under the Recipient's education program or activity, C. explicitly or impliedly conditioning the provision of such aid, benefit, or service, D. on a person's participation in unwelcome sexual conduct.
Hostile environment harassment	A. unwelcome sex-based conduct, that B. based on the totality of the circumstances, C. is subjectively and objectively offensive, and D. is so severe and pervasive, E. that it limits or denies a person's ability to participate in or benefit from the Recipient's education program or activity.
Sexual assault	An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Includes rape, sodomy, sexual assault with an object, fondling, incest and statutory rape.
Students	A person who has gained admission to Calumet College.
Title IX Coordinator	The designated College official with primary responsibility for coordinating the College's compliance with Title IX. This individual provides leadership for Title IX activities; offers consultation, education, and training; and helps to ensure that the College responds appropriately, effectively, and equitably to all Title IX issues.

POLICY DETAILS

I. SCOPE

A. Medium

- i. This policy applies to all Calumet College community members, including students, faculty, staff, and others who are participating or attempting to participate in Calumet College's programs or activities, including any person authorized by Calumet College to provide aid, benefit, or service under Calumet College's education program or activity. When used in this policy, the term "employee" refers to collectively to faculty and staff members.
- ii. Sexual Harassment may manifest in many evolving forms including, but not limited to: physical, verbal, and visual, whether in person or online in any format.

B. Jurisdiction

- i. This policy applies to conduct that occurs within Calumet College's programs and activities in the United States. This policy applies to conduct that creates a hostile environment in its education program or activity, even when some of the conduct alleged to be contributing to the hostile environment occurred outside Calumet College's education programs or activities or outside the United States.
- ii. Includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs and also including any building owned or controlled by a student organization that is officially recognized by Calumet College.

- iii. The College's disciplinary response may be limited if the Respondent is a visitor or other third-party or is not subject to the College's jurisdiction.
- C. This policy is not intended for, and will not be used to, infringe on academic freedom or to censor or punish members of the College Community who exercise their legitimate First Amendment rights.
- D. Calumet College has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.
- E. Policy Maintenance
 - i. This policy is managed by Human Resources and the Title IX Coordinator.
 - ii. This policy and the associated procedures will be revised by the Title IX Committee.

II. RECEIVING SUPPORTIVE MEASURES

- A. Members of the College Community impacted by Sexual Harassment are encouraged to use counseling and support services, listed in the Resources section.

III. EMPLOYEES WITH AUTHORITY TO INSTITUTE CORRECTIVE MEASURES

- A. The College designates certain employees who have the authority to institute corrective measures on its behalf. Under this policy, their knowledge of Sexual Harassment conveys Actual Knowledge to the College.
- B. The following employees have been designated by the College as having the authority to initiate corrective measure on its behalf:
 - i. Title IX Coordinator
 - ii. Director of Human Resources
- C. When one of the above employees learns of alleged sexual harassment, that employee should contact the Title IX Coordinator in the Office of Student Engagement and Retention as soon as possible.
- D. Employees may have additional reporting obligations provided by law and/or other College policies.
- E. Corrective action may be taken against any individual who is a mandatory reporter and who fails to respond in a manner consistent with the provisions of applicable laws, regulations, policies, and procedures.

IV. MANDATORY REPORTERS

All College employees have reporting responsibilities to ensure the College can take appropriate action.

- A. All College employees, except those exempted by legal privilege of confidentiality or expressly identified as a confidential reporter, have an obligation to report incidents of Sexual Assault. Any employee who receives a disclosure of Sexual Assault or becomes aware of information that would lead a reasonable person to believe that a Sexual Assault may have occurred involving anyone covered under this policy, must report all known information immediately.
- B. In addition to the requirement of reporting incidents of Sexual Assault, the following members of the College Community have an additional obligation to report all other incidents of Sexual Harassment, when they receive a disclosure of Sexual Harassment or become aware of information that would lead a reasonable

person to believe that Sexual Harassment may have occurred involving anyone covered under this policy. These individuals must report the incident immediately when becoming aware of such information:

- i. Executive officers (Vice Presidents);
 - ii. Directors, department heads/chairs (including those serving in assistant or associate roles);
 - iii. Staff and faculty
 - iv. Faculty and staff who serve as advisors to or coaches of College-recognized Student groups;
 - v. All individuals, including Student-employees (such as Resident Advisors);
 - vi. Campus Security Authorities designed by the College under the Clery Act not otherwise specified in this provision; and
 - vii. Individuals serving in any of the positions described above on an acting or interim basis.
- C. Employees are not required to report disclosures of information regarding Sexual Harassment pursuant to this policy in the following circumstances, unless an individual covered under this policy is implicated or the individual is explicitly seeking assistance from the College:
- i. At public survivor support events including, but not limited to: “Take Back the Night,” candlelight vigils, protests, and survivor speak-outs;
 - ii. To student-employees when they are operating outside of their official work capacity; or
 - iii. During an individuals’ participation as a subject in an Institutional Review Board (IRB)-approved human subjects research protocol.
- D. Mandatory reporters should refer to section, Making a Complaint of Sex Discrimination. Contacting the Title IX Coordinator in the Office of Student Engagement and Retention to share all known information will satisfy the employee duty to report.
- E. Employees may have additional reporting obligations provided by law and/or other College policies.
- F. The following categories of employees are exempt from reporting Sexual Assault and other Sexual Harassment, due to their legal or professional privilege of confidentiality or their designation by the College as a confidential reporter:
- i. Professional and pastoral counselors
 - a) A professional counselor is a person whose official responsibilities include providing mental health counseling to members of the College Community and who is functioning within the scope of that license or certification and their College employment.
 1. This definition applies even to professional counselors who are not employees of the College but are under contract to provide counseling at the College.
 2. This also includes an individual who is not yet licensed or certified as a counselor but is acting in that role under the supervision of an individual who is licensed or certified (e.g., a Ph.D. counselor-trainee acting under the supervision of a professional counselor at the College).
 - b) A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition and their role at the College.
 1. In this context, a pastor or priest who is functioning as an athletic director or as a Student advocate would not be exempt from the reporting obligations.

- ii. Other employees with a professional license requiring confidentiality who are functioning within the scope of that license or certification and their College employment.
 - a) For example, a physician with a dual appointment as a clinician and professor would be required to report instances of Sexual Harassment of which they become aware in the scope of their employment as a professor, but must keep such information confidential and privileged if learned in the scope of their duties as a physician unless there is a mandatory reporting requirement under state law.
- G. Corrective action may be taken against any individual who is a mandatory reporter and who fails to respond in a manner consistent with the provisions of applicable laws, regulations, policies, and procedures.

V. MAKING A COMPLAINT OF SEX DISCRIMINATION

- A. The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that Calumet College investigate and make a determination about alleged discrimination under Title IX:
 - i. A “complainant,” which includes: a student or employee of Calumet College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - ii. a person other than a student or employee of Calumet College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Calumet College’s education program or activity;
 - iii. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
 - iv. Calumet College Title IX Coordinator.
- B. A person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint.
- C. With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:
 - i. Any student or employee of Calumet College’s; or
 - ii. Any person other than a student or employee who was participating or attempting to participate in Calumet College’s education program or activity at the time of the alleged sex discrimination.
- D. Calumet College may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.
- E. Reports can be made to the Title IX Coordinator in the following ways:
 - i. In-Person: Room 177
 - ii. Mail: 2400 New York Avenue Whiting, IN 46394
 - iii. Phone: 219-473-4305
 - iv. Email: titleix@ccsj.edu
 - v. Online form: <https://www.ccsj.edu/StudentLife/TitleIX.php#fileconcern>
- F. Making a report to the College and to law enforcement are mutually exclusive events. Making a report to the College does not preclude the individual from filing a report of a crime with law enforcement nor does it extend time limits that may apply in criminal processes. Filing a report with law enforcement is not a

prerequisite of making a report with the College. However, individuals may request assistance from the Title IX Coordinator or designee to notify law enforcement.

City Police Department	Contact Information
Hammond	509 Douglas Street Hammond, IN 219-852-2900
Whiting	1914 Schrage Avenue Whiting, IN 219-473-4440

VI. WRITTEN NOTICES OF ALLEGATIONS

- A. Upon initiation of Calumet College's Title IX grievance procedures, Calumet College will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:
- Calumet College's Title IX grievance procedures and any informal resolution process;
 - Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
 - Retaliation is prohibited;
 - The respondent is presumed not responsible unless and until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
 - The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
 - The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence and an investigation report that fairly summarizes the relevant and not otherwise impermissible evidence; and
- B. If, in the course of an investigation, Calumet College decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, Calumet College will notify the parties of the additional allegations in writing.

VII. CONFIDENTIALITY AND PRIVACY

- A. The College recognizes the importance of confidentiality and privacy. See the Resources section for a list of confidential support, non-confidential support, and medical resources. Information received in connection with the reporting, investigation, and resolution of allegations will be treated as private and will only involve individuals whom the College determines are necessary to conduct an appropriate investigation, to provide assistance and resources to parties, to perform other appropriate College functions, or when the College is required to provide information under the law.
- B. If an incident is disclosed or reported to the College and the individual requests that no investigation be conducted or disciplinary action be taken, the Title IX Coordinator or designee will explain that the College prohibits Retaliation and explain the steps the College will take to prevent and respond to Retaliation if the individual participates in a resolution process. The Title IX Coordinator or designee will evaluate the request to determine whether the College can honor the request while still providing a safe and nondiscriminatory environment.

- C. A decision to proceed despite an individual's request will be made on a case-by-case basis after an individualized review, and the Complainant will be notified if such a decision is made. If the College proceeds with an investigation, the Complainant is under no obligation to proceed as a part of the investigation.
- D. When weighing a reporting party's request for confidentiality or that no investigation or resolution be pursued, the Title IX Coordinator will consider a range of factors, which may include, but are not limited to, whether:
 - i. The alleged responding party is likely to commit additional acts of sexual or other violence, such as (a) whether there have been other sexual violence complaints about the same alleged responding party; (b) whether the alleged responding party has a history of arrests or records from a prior school indicating a history of violence; (c) whether the alleged responding party threatened further sexual violence or other violence against the reporting party or others; and (d) whether the sexual violence was committed by multiple perpetrators;
 - ii. The sexual violence was perpetrated with a weapon;
 - iii. The reporting party is a minor;
 - iv. The College possesses other means to obtain relevant evidence of the sexual misconduct (e.g., security cameras or personnel, physical evidence); and
 - v. The reporting party's report reveals a pattern of perpetration (e.g., illicit use of drugs or alcohol) at a given location or by a particular group).

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue action against the responding party even if the reporting party requests otherwise.

- E. All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.
- F. The College has an obligation to notify certain parties of incidents that may take place. Those individuals include the President of the College and the Vice President in charge of campus safety. Reports to these individuals will be held in the strictest confidence and will not contain personally identifying information, but will provide information to allow safety violations to be reported as required by law. Additional reporting will be required for each step in the investigation process.

VIII. AMNESTY CLAUSE

- A. Calumet College of St. Joseph assures immunity (Amnesty) to students who may have violated the Code of Conduct's Alcohol or Drug Policy at the same time of the incident when the student becomes a complainant of or is reporting sexual misconduct. Therefore, no alcohol or drug charges are applied to a student who reports that the complainant was under the influence of alcohol and/or drugs at the time of a sexual misconduct.
- B. The purpose of this clause is to encourage reporting. Complainants or bystanders (witnesses) should not let use of alcohol or drugs be a deterrent to reporting an incident. When conducting the investigation, the College's primary focus will be on addressing the sexual misconduct violation and not on alcohol/drug violations that may be discovered or disclosed. However, the College may provide referrals to counseling and may require educational options rather than disciplinary sanctions, in such cases.

IX. RETALIATION

- A. Retaliation is prohibited by College policy and law. The College will not tolerate retaliation in any form against any individual who makes an allegation, files a report, serves as a witness, assists a Complainant, or participates in an investigation of discrimination or harassment.
- B. Retaliation is a serious violation that can subject the offender to discipline, up to and including termination of employment and/or suspension or dismissal of a Student, independent of the merits of the underlying allegation.
- C. Allegations of retaliation should be reported to the Title IX Coordinator.

X. INVESTIGATION AND RESOLUTION OPTIONS

- A. Initial Assessment
 - i. The Office of Student Engagement and Retention reviews all reports of Sexual Harassment under this policy under the direction of the Title IX Coordinator or designee for an initial assessment of the reported information. The available resolution options will be guided by the availability of information or evidence suggesting that a policy violation may have occurred; the College's obligation to investigate and provide appropriate remedies to eliminate, prevent, and address the effects of the prohibited conduct; and the desire of the Complainant to participate in an investigation or other resolution.
 - ii. Upon completion of an initial assessment, the Title IX Coordinator or designee will determine the available options for resolution and will communicate the options to the parties.
- B. Informal Resolution
 - i. Informal resolution may be utilized in some circumstances if the College deems appropriate and both parties agree to it.
- C. Investigative Resolution

The Office of Student Engagement and Retention may resolve a report of Sexual Harassment through investigative resolution when the alleged Sexual Harassment, if true, would be prohibited under applicable College policy. In instances when informal resolution is inappropriate, when the party requests, or when the College requires formal investigation, the College will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.

XI. DISCIPLINARY SANCTIONS AND REMEDIES

- A. When the College makes a finding of a policy violation, it will take steps, whether individual or systemic, to stop the alleged Sexual Harassment, prevent its recurrence, and remedy the discriminatory effects on the Complainant and others, as appropriate.
- B. Corrective Actions/Sanctions
 - i. When the Respondent is a Student, potential sanctions include:
 - a. Disciplinary Notice (Verbal or Written Warning)
 - b. Confiscation and/or Disposal of Property
 - c. Behavioral Contract
 - d. Educational Courses or Counseling

- e. Disciplinary Probation
 - f. Suspension
 - g. Expulsion
 - h. Other appropriate educational sanctions
 - ii. Calumet College may remove a respondent from the education program or activity on an emergency basis, provided that Calumet College undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision does not modify any rights under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*”
 - iii. If the complainant or respondent is a student with a disability, the Title IX Coordinator may consult, as appropriate, with [the individual or office that your institution has designated to provide support to students with disabilities] to determine how to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of supportive measures. If you are a student with a disability and you are considering filing a complaint and/or are identified as a complainant or respondent, please note that you may consult with [the individual or office that your institution has designated to provide support to students with disabilities] and you are encouraged to share with the Title IX Coordinator that you are consulting with [him/her/them] so that you can receive access to support as you access information or navigate the grievance process through the Title IX Office.
 - iv. When the Respondent is an employee, corrective actions may be taken pursuant to the Faculty Handbook (including those outlined for tenured employees), and/or Staff Handbook. Disciplinary corrective actions include coaching, development plans, reduction in supervisory duties and leadership responsibilities, changes in salary, termination, and other appropriate corrective actions.
 - v. Calumet College may place an employee respondent on administrative leave from employment responsibilities during the pendency of Calumet College’s grievance procedures. This provision does not modify any rights under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*
 - vi. Student employees may be subject to corrective action and sanctions under Student and/or employee policies depending on the nature of the case. For instance, a Student employee who is dismissed from the College may also be subject to termination or other corrective actions.
- C. Any corrective actions or sanctions will not take effect until any appeals have been completed.
- D. Supportive Measures
- i. Calumet College will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person’s access to Calumet College’s education program or activity or provide support during Calumet College’s Title IX grievance procedures or during the informal/alternative resolution process.
 - ii. Supportive measures will not unreasonably burden either party and will be designed to protect the safety of the parties or Calumet College’s educational environment, or to provide support during Calumet College’s grievance procedures under or during the informal/alternative resolution process. Calumet College will not impose supportive measures for punitive or disciplinary reasons.
 - iii. For complaints of sex-based harassment, these supportive measures may include things like counseling; extensions of deadlines and other course-related adjustments; campus accompaniment services; increased security and monitoring of certain areas of the campus; restrictions on contact

- applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.
- iv. Calumet College will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, or when one of the below exceptions applies:
 - a) When Calumet College has obtained prior written consent from a person with the legal right to consent to the disclosure;
 - b) When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
 - c) To carry out the purposes of [the regulations], including action taken to address conduct that reasonably may constitute sex discrimination under Title IX in Calumet College's education program or activity;
 - d) As required by Federal law, Federal regulations, or the terms and conditions of a federal award, including a grant award or other funding agreement; or
 - e) To the extent such disclosures are not otherwise in conflict with Title IX or this part, when required by State or local law or when permitted under FERPA or its implementing regulations.
 - v. Calumet College may place an employee respondent on administrative leave from employment responsibilities during the pendency of Calumet College's grievance procedures. This provision does not modify any rights under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.
 - vi. The Title IX Coordinator or designee will coordinate the provision of interim supportive measures. Parties will not be required to arrange such measures by themselves but may need to participate in communication with supervisors, faculty, and other College employees with a need to know.
 - vii. The College will maintain as confidential any supportive measures provided to the Complainant or Respondent to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

E. Other Remedial Measures

- i. When the College is unable to proceed with investigative resolution, such as lack of information in the report or request by the Complainant that an investigation not move forward, the College may take other remedial measures as appropriate to remedy the effects of the alleged Sexual Harassment and/or prevent its recurrence. Remedial measures may also be implemented when it is determined that inappropriate behavior occurred, but that the behavior did not rise to the level of a policy violation.
- ii. Remedial measures may include and are not limited to:
 - a. providing training on sexual harassment;
 - b. increasing security in a designated space;
 - c. changing policy or procedure; and
 - d. conducting climate checks.

XII. FALSE ALLEGATIONS

- A. It is a violation of this policy for anyone to make a false allegation of Sexual Harassment in bad faith. Corrective actions or sanctions may be imposed on individuals who in bad faith make false allegations of Sexual Harassment.
- B. The absence of a finding of a policy violation is not equivalent to finding that the Complainant acted in bad faith.

XIII. PROCESS ABUSE

- A. No member of the College Community may:
 - i. Obstruct, prohibit, exert improper influence over, or interfere with any individual making a report, participating in a process, or carrying out a responsibility covered by this policy;
 - ii. Make, in bad faith, materially false statements in or related to a process covered by this policy;
 - iii. Disrupt or interfere with the orderly conduct of any proceeding conducted under this policy; or
 - iv. Fail to comply with any directive, sanction, or corrective action issued pursuant to this policy.

XIV. TRAINING

- A. All faculty (full-time and adjunct), staff (full-time and part-time) and student employees (work-study and graduate assistants) are required to take annual Sexual Harassment training as directed by the College.
- B. Vendors and Board Members will receive and sign a policy acknowledgment form.
- C. Although students are not required to take annual training, the policy will be made available on the Title IX website and Blackboard.

PROCEDURE

I. INITIAL ASSESSMENT

- A. Upon receiving a report, the Title IX Coordinator will provide information to the Complainant on the availability of supportive measures, the right to file a Formal Complaint, and how to file a Formal Complaint.
- B. The Office of Student Engagement and Retention reviews all reports of Sexual Harassment under this policy under the direction of the Title IX Coordinator or designee for an initial assessment of the reported information. Available resolution options will be guided by the availability of information and evidence suggesting that a policy violation may have occurred; the College's obligation to investigate and provide appropriate remedies to eliminate, prevent, and address the effects of the prohibited conduct; and the availability or desire of the Complainant to participate in an investigation or other resolution.
- C. Upon completion of an initial assessment, the Title IX Coordinator or designee will determine the available options for resolution and will communicate these options to the parties.
- D. If the Complainant or the College elects to file a Formal Complaint, the Title IX Coordinator will provide written notice to the Respondent within ten days including:
 - i. The actual allegations of facts that constitute Sexual Harassment and any evidence that supports this;

- ii. That there is a presumption of innocence in their favor;
- iii. That all parties are entitled to an advisor of their choice;
- iv. That all parties can inspect and review evidence; and,
- v. Information regarding any code of conduct provisions that prohibit false statements made in bad faith.

II. DISMISSAL OF A COMPLAINT

- A. Calumet College may dismiss a complaint of sex discrimination if:
 - i. Calumet College is unable to identify the respondent after taking reasonable steps to do so;
 - ii. The respondent is not participating in Calumet College's education program or activity and is not employed by Calumet College;
 - iii. The complainant voluntarily withdraws any or all of the allegations in the complaint in writing, the Title IX Coordinator declines to initiate a complaint, and Calumet College determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
 - iv. Calumet College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, Calumet College will make reasonable efforts to clarify the allegations with the complainant.
- B. Upon dismissal, Calumet College will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Calumet College will also notify the respondent simultaneously in writing of the dismissal and the basis for the dismissal.
- C. Calumet College will notify the complainant in writing that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then Calumet College will also simultaneously notify the respondent in writing that the dismissal may be appealed. Dismissals may be appealed on the following bases:
 - i. Procedural irregularity that would change the outcome;
 - ii. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
 - iii. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
- D. If the dismissal is appealed, Calumet College will:
 - i. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
 - ii. Implement appeal procedures equally for the parties;
 - iii. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
 - iv. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
 - v. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
 - vi. Notify the parties of the result of the appeal and the rationale for the result."
- E. When a complaint is dismissed, Calumet College will, at a minimum:
 - i. Offer supportive measures to the complainant as appropriate;

- ii. If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- iii. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Calumet College's education program or activity.

II. INFORMAL RESOLUTION

- A. At any time prior to a determination regarding responsibility, Calumet College may offer the parties the opportunity to engage in informal resolution. Any informal resolution must be reached voluntarily by the parties and must be approved by the Title IX Coordinator. Calumet College may, at its discretion, decline to offer informal resolution despite one or more of the parties' wishes. Calumet College will not offer informal resolution to resolve a complaint when such a process would conflict with federal, state, or local law. Calumet College will never require or pressure parties to participate in an informal resolution process. Calumet College will obtain the parties' voluntary consent to the informal resolution process and will never require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.
- B. Before initiation of an informal resolution process, Calumet College will provide to the parties written notice that explains:
 - i. The allegations;
 - ii. The requirements of the informal resolution process;
 - iii. That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume Calumet College's grievance procedures;
 - iv. That if the parties agree to a resolution at the conclusion of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
 - v. The potential terms that may be requested or offered in an informal resolution agreement, including notice that any agreement is binding only on the parties; and
 - vi. What information Calumet College will maintain and whether and how Calumet College could disclose such information for use in grievance procedures, if grievance procedures are initiated or resumed.
- C. The facilitator for the informal resolution process will not be the same person as the investigator or the decisionmaker in Calumet College's grievance procedures. Any person designated by Calumet College to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Any person facilitating informal resolution will receive required training regarding their role.
- D. Potential terms that may be included in an informal resolution agreement include but are not limited to restrictions on contact; and restrictions on the respondent's participation in one or more of Calumet College's programs or activities or attendance at specific events, including restrictions Calumet College could have imposed as remedies or disciplinary sanctions had Calumet College determined at the conclusion of Calumet College's grievance procedures that sex discrimination occurred.

III. FORMAL RESOLUTION & HEARINGS

- A. The Office of Student Engagement and Retention may resolve a report of Sexual Harassment through its formal resolution process when the alleged Sexual Harassment, if true, would be prohibited under applicable College policy. In instances when informal resolution is inappropriate, when any party requests,

or when the College requires formal investigation, the College will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.

B. Investigation

- i. Following the filing of a Formal Complaint, an Investigator will be assigned to the case by the Title IX Coordinator. During the investigation, the Investigator will seek to meet separately with the Complainant, Respondent, and any relevant witnesses who may have information relevant to the incident. The Investigator may also gather or request other relevant information or evidence when available and appropriate. Both the Complainant and Respondent will be asked to identify witnesses and provide other relevant information in a timely manner to facilitate prompt resolution of the case. All investigations are done by a dedicated member of the Title IX Committee.
- ii. Although both the Complainant and Respondent are advised to participate in the investigation process to enable a fair and equitable resolution to any case, neither the Complainant nor the Respondent are required to participate in the investigation process.
- iii. Formal Complaints of sexual harassment may be consolidated where the allegations arise out of the same facts or circumstances.
- iv. During the investigation process, parties have an equitable right to:
 - a. Receive notice of the allegations before participating in an interview with sufficient time to prepare for meaningful participation;
 - b. A process with reasonably prompt timeframes, with extensions for good cause, as described in the Procedure section below;
 - c. Present relevant information to the Investigator, including evidence and witnesses;
 - d. Receive timely and equal access to any relevant information, documentation, and evidence gathered during the investigation;
 - e. Have an advisor of their choosing, or through appointment by the College, including an attorney, advocate, or other support person who is not a potential witness in the investigation or could otherwise compromise the investigation, who provides support throughout the formal resolution process, including being present for any meetings or hearings; and
 - f. Investigators who are adequately trained to resolve cases of alleged Sexual Harassment, are familiar with applicable policies and procedures, and who do not have a conflict of interest or bias for or against either party.
- v. The College must provide a written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings to all parties whose participation is invited or expected with sufficient time for the party to prepare to participate.
- vi. The College will not restrict the ability of a Complainant or Respondent to discuss the allegations under investigation or to gather and present relevant evidence.
- vii. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.
- viii. Following the completion of the investigation, the Investigator will complete an investigative report on the allegations contained in the Formal Complaint. Before the report is finalized, the Investigator will send to each party and their advisors an electronic or hard copy of all evidence that is directly related to the allegations. The College must include all evidence directly related to the allegations, even if the investigator does not intend to rely on that evidence in making a determination of responsibility. The parties then have at least ten days to provide a written

response, which the Investigator will consider before finalizing the investigative report. The finalized report is then circulated for no less than ten days before a hearing is held.

C. Hearings

- i. All hearings are overseen by a Decision Maker(s). All Decision Maker(s) have received special training on how to be impartial and are assigned to cases by the Title IX Coordinator to avoid any bias and present an objective analysis of the evidence. In no case is the Investigator for a given case also the Decision Maker(s).
- ii. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the investigation and hearings.
- iii. The Decision Maker(s) will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived it.
- iv. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.
- v. Hearings are not legal proceedings and do not follow courtroom procedure or the formal rules of evidence. During any hearings, each party must have an advisor present to ask questions to the other party. This advisor does not need to be licensed to practice law and may be a person of the party's choice or, if they do not have an advisor, the College will provide an advisor for them.
- vi. Questioning & Cross-Examinations
 - a. The Decision Maker(s) may question individual parties and witnesses.
 - b. Parties will have the opportunity to cross-examine the party or witness. Parties may never ask questions directly, and questions must be asked to the other party through the use of a party's advisor. All questions asked must be relevant. Any questions determined not to be relevant by the Decision Maker(s) are not required to be answered.
 - c. If deemed reliable and relevant by the decision-maker, and not otherwise subject to exclusion under this Policy, the decision-maker may consider the statements of persons who were not present at the hearing, or persons who were present at the hearing but who nevertheless were not subject to cross-examination. This includes, but is not limited to, opinions and statements in police reports or other official reports, medical records, court records and filings, investigation notes of interviews, emails, written statements, affidavits, text messages, social media postings, and the like.
- vii. If, at any point during the hearing, the Decision Maker(s) determines that unresolved issues exist that could be clarified through additional investigation time, the Decision Maker(s) may suspend the hearing and reconvene it in a timely manner that accommodates further investigation.
- viii. Hearings will be conducted virtually through the use of technology at the College's discretion. The College will utilize Zoom to allow for simultaneous participation.
- ix. All hearings will be memorialized through an audio or audiovisual record or transcript of the live hearing. The recording or transcript may be made available for parties to inspect and review following their completion.

D. Resolution

- i. The Decision Maker(s) will communicate his or her decision to both parties, concurrently. The Decision Maker(s) will communicate the decision in writing and orally as soon as possible after the hearing. In all cases, the Decision Maker(s) will send the parties a final outcome letter within ten days of the conclusion of the hearing.
- ii. The Decision Maker(s) bases all conclusions by examining all evidence from the investigation and the hearing. Their conclusion is based on the preponderance of evidence standard: If the evidence indicates standard, it is more likely than not that Respondent committed the alleged acts(s), then the Respondent will be found responsible for violating this policy.
- iii. The Decision Maker(s)'s written decision must include the following information:
 - a. Identification of the allegations potentially constituting Sexual Harassment;
 - b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - c. Findings of fact supporting the determination;
 - d. Conclusions regarding the application of the College's code of conduct to the fact;
 - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctioned imposed upon the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided; and
 - f. The procedures and permissible bases for either party to appeal.
- iv. If the Respondent is found responsible for violating this policy, the Decision Maker will consult with any appropriate individuals in order to determine the corrective actions and/or sanctions to resolve the case. Any such corrective actions and/or sanctions will be outlined in the Decision Maker(s)'s written decision.

IV. APPEALS PROCESS

- A. Calumet College will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:
 - i. Procedural irregularity that would change the outcome;
 - ii. New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
 - iii. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
- B. If a party appeals a dismissal or determination whether sex-based harassment occurred, Calumet College will:
 - i. Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
 - ii. Implement appeal procedures equally for the parties;
 - iii. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;

- iv. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
 - v. Communicate to the parties in writing that Calumet College will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
 - vi. Notify the parties in writing of the result of the appeal and the rationale for the result.
- C. Any additional procedures or bases for appeal Calumet College offers will be equally available to all parties.

V. RECORDKEEPING

- A. The College shall maintain all records for a period of at least seven (7) years following the conclusion of the Resolution Process, Recipient will maintain records of:
- i. Each discrimination, harassment, and retaliation resolution process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation
 - ii. Any disciplinary sanctions imposed on the Respondent
 - iii. Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to the Recipient's education program or activity
 - iv. Any appeal and the result therefrom
 - v. Any Informal Resolution and the result therefrom
 - vi. All materials used to provide training to the Title IX Coordinator and designees, Investigators, Decision-makers, Appeal Decision-makers, Informal Resolution Facilitator, and any person who is responsible for implementing the Recipient's Resolution Process, or who has the authority to modify or terminate supportive measures. Recipient will make these training materials available for review upon request.
 - vii. All materials used to train all employees consistent with the requirements in the Title IX Regulations.

APPENDIX A

Responsibilities of Title IX Officers and Confidential Sources

Title IX Coordinator

Dionne Jones-Malone
Logistics Leader
djonesmalone@ccsj.edu

Title IX Officers

Chris Artim (student representative)	John Mackowicz (student representative)
Investigator, Decision Maker (Advisor)	Investigator, Decision Maker (Advisor)
cartim@ccsj.edu	jmackowicz@ccsj.edu
Amanda Copeland (faculty representative)	Holly Raveslout (student representative)
Investigator, Appeals	Investigator, Decision Maker
acopeland@ccsj.edu	haveslout@ccsj.edu
Emilier DeJesus (student representative)	Paula Shreve (staff representative)
Investigator, Decision Maker	Investigator, Appeals
edejesus@ccsj.edu	pshreve@ccsj.edu
Tina Ebenger (faculty representative)	Tarri Strickland (student representative)
Investigator, Decision Maker	Investigator, Advisor
tebenger@ccsj.edu	tstrickland@ccsj.edu
David Harnish (student representative)	Anaí Vargas (student representative)
Investigator, Appeals	Investigator, Advisor
dharnish@ccsj.edu	avargas@ccsj.edu

Confidential Sources

Kerry Knowles, P.A.T.H. Counselor	Father Tim McFarland
Room 176, (219) 413-3702	Room 611, (219) 473-4386
kknowles@ccsj.edu	tmcfarland@ccsj.edu

APPENDIX B
Title IX Resources

Indiana Commission for Higher Education

<https://www.in.gov/che/>

317.464.4400

Equal Employment Opportunity Commission (Indianapolis District Office)

<https://www.eeoc.gov/field-office/indianapolis/location>

800.669.4000

Indiana Civil Rights Commission (Indianapolis Office)

<https://www.in.gov/icrc/>

800.628.2909

U.S. Department of Justice

<https://www.justice.gov/>

202.514.2000

Local Indiana Abuse and Neglect Hotline:

661 Broadway

Gary, IN 46402-2407

Region: 1

Regional Manager: Twan Stokes

Local Office Director: LaShaunta Pierce

219.881.6944

Child Abuse and Neglect Hotline:

<https://secure.in.gov/dcs/2971.htm>

800.800.5556

RAINN National Sexual Assault Hotline

<https://hotline.rainn.org/online>

800.656.4673

Providing Access to Health (PATH)

knowles@ccsj.edu or path@ccsj.edu

219-413-3702

APPENDIX C
Summary of Process

	Activity	Completed by
1.	Incident is reported to employee (Mandatory Reporter)	Complainant or Third Party/Mandatory Reporter
2.	Communicate Mandatory Reporter rule to complainant and complete Complaint Form	Third Party/Mandatory Reporter
3.	Submit online Complaint Form to Title IX Coordinator	Third Party/Mandatory Reporter
4.	Schedule and complete Initial Assessment with Complainant and provide the following information to the Complainant (see pages 15-16): • Availability of supportive measures • The right to file a Formal Complaint • How to file a Formal Complaint	Title IX Coordinator
5.	Complainant or the College elects to file a formal complaint? If Yes – Written notice to respondent within 10 days (see pg. 16) If No – Dismissal of investigation and formal complaint	Complainant or the College
6.	Formal complaint filed	Complainant Third Party/Mandatory Reporter
7.	Investigators assigned to the case	Title IX Coordinator
8.	Assign decision maker(s) and advisors (if needed)	Title IX Coordinator
9.	Conduct investigation process (see pages 17-19)	Investigators
10.	Complete and send investigative report including evidence to each party and the advisors for review (Parties have 10 days to provide a written response before finalized investigative report).	Investigators
11.	Conduct Hearing (questioning and cross examination) (see pages 19-20)	Decision Maker(s)
12.	Decision communicated to both parties (written and orally) and an outcome letter sent within 10 days of the conclusion of the hearing (see page 20)	Decision Maker(s)
13.	Satisfaction with final determination If Yes – Case Closed If No – Move to next step	Complainant or Respondent
14.	Submit Appeal (Appeal submitted to Title IX Coordinator within 10 calendar days of outcome letter) (see pg. 20-21)	Complainant or Respondent
15.	Assign Title IX Appeal Officers (Decision and Sanctions)	Title IX Coordinator
16.	Appeal reviewed, decision made and sanctions assigned	Appeal Officer (Decision and Sanctions)
17.	Complete and send final outcome letter to both parties	Title IX Appeal Officer

Attachment A

TITLE IX COMMITTEE MEMBER CONFIDENTIALITY AGREEMENT

This Agreement is made between _____ ("EMPLOYEE")
and **Calumet College of St. Joseph (CCSJ)**, on _____ (DATE).

EMPLOYEE will perform services for CCSJ, which may require CCSJ to disclose confidential information to EMPLOYEE. (Confidential Information is any information of any kind, nature, or description concerning any matters affecting or relating to the Employee's role in discussing, investigating and making recommendations pertaining to Title IX. Accordingly, to protect CCSJ and the information that will be disclosed to EMPLOYEE, the EMPLOYEE agrees as follows.

- A. EMPLOYEE will hold the Confidential Information received from CCSJ in strict confidence and shall exercise a reasonable degree of care to prevent disclosure to others.
- B. EMPLOYEE will not disclose or divulge either directly or indirectly the Confidential Information to others unless first authorized to do so in writing by the CCSJ Title IX Coordinator or College President.
- C. EMPLOYEE will not reproduce the Confidential Information nor use this information commercially or for any purpose other than the performance of his/her duties as a member of the CCSJ Title IX Committee.
- D. EMPLOYEE will, upon the request or upon termination of his/her relationship with CCSJ, deliver any notes, documents, and materials they may have received which are related to their role as part of the CCSJ Title IX Committee.
- E. CCSJ reserves the right to take disciplinary action, up to and including termination for violations of this agreement.

ACKNOWLEDGMENT

EMPLOYEE represents and warrants that it is not under any preexisting obligations inconsistent with the provisions of this Agreement. Signing below signifies that the EMPLOYEE agrees to the terms and conditions of the agreement stated above.

Calumet College of St. Joseph

Employee

CCSJ Representative Signature Date

Employee Signature Date

Printed Name

Printed Name

Attachment B

PREGNANCY AND PARENT POLICY

POLICY STATEMENT

Under the Department of Education's (DOE) Title IX regulations, an institution that receives federal funding "shall not discriminate against any student or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom." According to the DOE, appropriate treatment of a pregnant student includes granting the student leave "for so long a period of time as deemed medically necessary by the student's physician," and then effectively reinstating the student to the same status as was held when the leave began.

This generally means that pregnant students should be treated by Calumet College of St. Joseph the same way as someone who has a temporary disability, and will be given an opportunity to make up missed work wherever possible. Extended deadlines, make-up assignments (e.g., papers, quizzes, tests, and presentations), tutoring, independent study, online course completion options, and incomplete grades that can be completed at a later date, should all be employed, in addition to any other ergonomic and assistive supports typically provided by Academic Accommodations. To the extent possible, Calumet College of St. Joseph will take reasonable steps to ensure that pregnant students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same course catalog that was in place when the leave began. The Vice President of Student Engagement and Retention, who serves as the College's Title IX Coordinator, has the authority to determine that such accommodations are necessary and appropriate, and to inform faculty members of the need to adjust academic parameters accordingly.

As with disability accommodations, information about pregnant students' requests for accommodations will be shared with faculty and staff only to the extent necessary to provide the reasonable accommodation(s). Faculty and staff will regard all information associated with such requests as private and will not disclose this information unless necessary. Administrative responsibility for these accommodations lies with the Director of Academic Accommodations, who will maintain all appropriate documentation related to accommodations.

In situations such as student teaching, performances, labs, and group work, the institution will work with the student to devise an alternative path to completion, if possible. In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave.

Students are encouraged to work with their faculty members and Calumet College of St. Joseph's support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their absence, and get back on track as efficiently and comfortably as possible. The Director of Academic Accommodations will assist with plan development and implementation as needed.

TERM	DEFINITION
Medical Necessity	A determination made by a health care provider (of the student's choosing) that a certain course of action is in the patient's best health interests.
Parent	Includes biological parents, adoptive parents, stepparents, foster parents, legal guardians and people filling in a parental role (standing "in loco parentis")
Pregnancy and Pregnancy-Related Conditions	Includes (but are not limited to) pregnancy, childbirth, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions.

Pregnancy Discrimination	Includes treating an individual affected by pregnancy or a pregnancy-related condition less favorably than similar individuals not so affected, and includes a failure to provide legally mandated leave or accommodations.
Pregnant Student/Birth-Parent	Refers to the student who is or was pregnant. This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.
Reasonable Accommodations	For the purposes of this policy, changes in the academic environment or typical operations that enables pregnant students or students with pregnancy-related conditions to continue to pursue their studies and enjoy the equal benefits of Calumet College of St. Joseph.

REASONABLE ACCOMODATIONS OF STUDENTS AFFECTED BY PREGNANCY, CHILDBIRTH, OR RELATED CONDITIONS

- A. Calumet College of St. Joseph and its faculty, staff, and other employees will not require students to limit their studies as a result of pregnancy or pregnancy-related conditions.
- B. The benefits and services provided to students affected by pregnancy will be no less than those provided to students with temporary medical conditions.
- C. Students with pregnancy-related disabilities, like any student with a short-term or temporary disability, are entitled to reasonable accommodations so that they will not be disadvantaged in their courses of student or research, and may seek assistance from the Office of Academic Accommodations.
- D. No artificial deadlines or time limitations will be imposed on requests for accommodations, but Calumet College of St. Joseph is limited in its ability to impact or implement accommodations retroactively.
- E. The Department of Education states that it is not acceptable to require documentation when:
 - i. The need is obvious
 - ii. The student has already provided enough documentation, or the information requested is only to confirm pregnancy.
 - iii. Other students are provided with the change without submitting documentation.
 - iv. The modification requested is for a student who is pregnant or experiencing pregnancy-related conditions to:
 - a) Carry water or keep water nearby
 - b) Take breaks to eat, drink, or use the restroom
 - c) Access a bigger desk
 - d) Sit or stand
 - e) Access lactation breaks and space
- F. Reasonable accommodations may include, but are not limited to:
 - i. Providing accommodations requested by a pregnant student to protect the health and safety of the student and/or the pregnancy (such as allowing the student to maintain a safe distance from hazardous substances);
 - ii. Making modifications to the physical environment such as accessible seating;
 - iii. Providing mobility support;
 - iv. Extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy related absences;
 - v. Offering remote learning options;
 - vi. Excusing medically- necessary absences (this must be granted, irrespective of classroom attendance requirements set by a faculty member or department);
 - vii. Granting leave per Calumet College of St. Joseph's medical leave policy or implementing incomplete grades (per Incomplete Policy) for classes that will be resumed at a future date; or
 - viii. Allowing breastfeeding students reasonable time and space to pump breast milk in a location that is private, clean, and reasonably accessible. Bathroom stalls do not satisfy this requirement.

- G. Reasonable accommodations may include, but are not limited to:
- i. Providing accommodations requested by a pregnant student to protect the health and safety of the student and/or the pregnancy (such as allowing the student to maintain a safe distance from hazardous substances);
 - ii. Making modifications to the physical environment such as accessible seating;
 - iii. Providing mobility support;
 - iv. Extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy related absences;
 - v. Offering remote learning options;
 - vi. Excusing medically- necessary absences (this must be granted, irrespective of classroom attendance requirements set by a faculty member or department);
 - vii. Granting leave per Calumet College of St. Joseph's medical leave policy or implementing incomplete grades (per Incomplete Policy) for classes that will be resumed at a future date; or
 - viii. Allowing breastfeeding students reasonable time and space to pump breast milk in a location that is private, clean, and reasonably accessible. Bathroom stalls do not satisfy this requirement.

Nothing in this policy requires modification to the essential elements of any academic program. Pregnant students cannot be channeled into an alternative program or school against their wishes.

MODIFIED ACADEMIC RESPONSIBILITIES POLICY FOR PARENTING STUDENTS

- A. Students with child caretaking/parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of the birth or adoption of a child or placement of a foster child may request an academic modification period during the first 3 months from the time the child entered the home. Extensions may be granted when additional time is required by medical necessity or extraordinary caretaking/parenting responsibilities.
- B. During the modification period, the student's academic requirements will be adjusted and deadlines postponed as appropriate, in collaboration among the Office of Academic Accommodations, the student's academic advisor, and the appropriate academic department(s).
- C. Students seeking a period of modified academic responsibilities may consult with their academic advisor or with the Office of Academic Accommodations to determine appropriate academic accommodations requests. The Director of Academic Accommodations will communicate all requests under this policy to students' academic advisors and coordinate accommodation-related efforts with the advisors unless the student specifically requests that their advisors be excluded. Students are encouraged to work with their advisors and faculty members to reschedule course assignments, lab hours, examinations, or other requirements, and/or to reduce their overall course load, as appropriate, once authorization is received from the Office of Academic Accommodations. If, for any reason, caretaking/parenting students are not able to work with their advisors/faculty members to obtain appropriate modifications, students should alert the Office of Academic Accommodations as soon as possible, and the office will help facilitate needed accommodations and modifications.
- D. Students can request modified academic responsibilities under this policy regardless of whether they elect to take a leave of absence.
- E. While receiving academic modifications, the student will remain registered and retain benefits accordingly.

LEAVE OF ABSENCE

- A. Students should refer to the Attendance, Withdrawal and LOA Policy and Procedure for a detailed description of the Leave of Absence policy.
- B. Additional information about student's rights under Title IX (Pregnancy or Parenting) can be found at <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html>.
- C. The Title IX Coordinator and the Director of Academic Accommodations can and will advocate for students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence

places eligibility into question.

LACTATION SPACE ACCESS

The College provides students and employees with access to lactation spaces that are functional, appropriate, and safe. Such spaces are regularly cleaned, shielded from view, and free from the intrusion of others. A designated lactation space is available on the 5th floor in room 508.

COLLEGE HOUSING

Resident status is limited to full time students making satisfactory progress towards graduation requirements and who are regularly attending classes during the period of this contract. College Housing (Clark House and Illiana) are not appropriate for babies or young children. To the extent that a resident, by reason of birth or adoption, requires a space suitable for babies or young children, the resident may reach out to Title IX regarding other potential housing options.

RETAILIATION AND HARRASSMENT

- A. Harassment by any member of Calumet College based on sex, gender, gender identity, gender expression, pregnancy, or parental status is prohibited.
- B. Faculty, staff and other Calumet College employees are prohibited from interfering with a student's taking leave, seeking reasonable accommodations, or otherwise exercising their rights under this policy. Faculty, staff, and other employees are prohibited from retaliating against a student for exercising the rights articulated by this policy, including imposing or threatening to impose negative educational outcomes because a student requests leave or accommodation, files a complaint, or otherwise exercises their rights under this policy.

POLICY DISSEMINATION AND TRAINING

This Policy will be provided to all employees through annual compliance notices and annual required training and is maintained on the College's website. The College will alert all new students about this Policy and its location as part of orientation. Equal Opportunity and Title IX will make educational materials available to all members of the College community to promote compliance with this Policy and familiarity with its procedures.