

Policy/Standard/Procedure No	30.POL.522
Effective Date	August 1, 2024
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Wistar Institute Sex Discrimination, Sex-Based Harassment and Retaliation Policy and Related Grievance Procedures

The Wistar Institute (Institute) has adopted a revised Sex Discrimination, Sex-Based Harassment and Retaliation Policy and Related Grievance Procedures, that is effective August 1, 2024. The Policy and Grievance Procedures have been revised to comply with the Title IX statute and applicable Title IX regulations.

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Amendment and/or Termination of this Policy and Procedures

The Institute reserves the right to amend or terminate this policy and the procedures, in whole or in part, at any time in its sole discretion, except as required by applicable law.

Related Policies and Procedures

1. Policy No. 30.POL.513, Policy Prohibiting Sexual and Other Unlawful Harassment
2. Policy No. 30.POL.002, Equal Employment Opportunity

History

Policy Revised July 31, 2024, effective August 1, 2024. Supersedes Policy No. 30.POL.522 issued by Human Resources, effective August 11, 2023. Previous policy version effective September 13, 2021.



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Wistar Institute Sex Discrimination, Sex-Based Harassment and Retaliation Policy

1. Background, Purpose, and Scope

The Wistar Institute (Institute) is a world leader in early-stage discovery science in the areas of cancer, immunology, and infectious disease. The Institute is committed to accelerating research advances from bench to bedside through brilliant science and distinctive approaches to collaboration among scientific investigators and academic and industry partners. The Institute’s single-minded focus is on making discoveries that will change the future of human health.

The Institute has a longstanding commitment to providing a work and learning environment that respects the dignity and worth of each individual. Inappropriate behavior and unlawful discrimination, harassment and retaliation in the Institute’s education programs and activities are wholly inconsistent with this commitment. It is the policy of the Institute to provide equal employment and educational opportunities to all individuals in its education programs and activities regardless of race, citizenship, ethnicity, color, creed, religion, marital status, national origin, ancestry, sex, age, veteran status, mental or physical disability (including HIV and AIDS), pregnancy status or related conditions of pregnancy, caregiver status, domestic or sexual violence victim status, sexual orientation, gender identity, gender expression, familial status, marital status, or on the basis of genetic information, or any other characteristic protected by federal, state, or local law. The Institute does not discriminate on the basis of sex in its education programs and activities, nor will it permit or tolerate sex discrimination, sex-based harassment, or retaliation against a student, employee, or other member of the Institute’s community.

This Sex Discrimination, Sex-Based Harassment, and Retaliation Policy (Policy) and Related Grievance Procedures (Grievance Procedures) have been developed to maintain the Institute’s compliance with Title IX of the Education Amendments of 1972 and implementing regulations at 34 C.F.R. Part 106, as well as applicable Pennsylvania laws.

The Institute will respond promptly and effectively to a report of sex discrimination, sex-based harassment and/or retaliation prohibited by this Policy. The Institute will treat the parties equitably by offering supportive measures to a Complainant and by following the investigation and resolution process described in this Policy before imposing any disciplinary sanctions or other measures against a Respondent.

For the purposes of this Policy, the individual who is alleged to have experienced prohibited conduct is referred to as the “Complainant.” The “Respondent” is the individual who is alleged to have committed the prohibited conduct. “Parties” collectively means both the Complainant and the Respondent.

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2. Applicability

This Policy applies to alleged violations of Title IX’s prohibition against sex discrimination, sex-based harassment and retaliation in any education program or activity in the United States. This Policy applies to conduct that is subject to the Institute’s disciplinary authority. The Institute will address allegations of sex discrimination, sex-based harassment, or retaliation under its education program or activity, even when some conduct alleged to be contributing to the sex discrimination, sex-based harassment, or retaliation occurred outside the education program or activity or outside the United States.

This Policy applies to conduct by and against all persons involved in the Institute’s education program or activities, including Institute trustees, employees, supervisors, co-workers, trainees, contractors, unpaid collaborators, interns, students, volunteers, any individuals providing services to the Institute, visitors and third-party non-employees or applicants for employment, volunteer, training, or other position with the Institute.

This Policy applies to Prohibited Conduct, defined below, that is alleged to have occurred on or after August 1, 2024. The Institute retains the right to revise this Policy in light of any changes to applicable law. Alleged conduct outside the scope of this Policy may be addressed as appropriate by other Institute policies and procedures.

The Institute will make a fact-specific determination and inform the parties of the applicable grievance process when Complainant(s) and/or Respondent(s) have dual roles as both a student and employee. In making this determination, the Institute will consider the student-employee’s primary relationship to the Institute and whether the alleged conduct occurred as part of educational- or employment-related work.

Specialized grievance procedures, set forth below, apply to allegations of sex-based harassment when a student is the Complainant(s) and/or Respondent(s).

3. Prohibited Conduct

Sex discrimination, sex-based harassment, and retaliation in the work and/or learning environment based on an individual’s sex or protected activities (as defined by this Policy and collectively referred to as “Prohibited Conduct”), is unlawful, prohibited, and will not be tolerated by the Institute.

The following conduct is prohibited under this Policy:

1. Sex Discrimination. Sex discrimination refers to discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, gender

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expression, and transgender status.

2. **Sex-Based Harassment.** Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex that is:

- *Quid pro quo harassment.* This occurs when an employee, agent, or authorized person conditions (either explicitly or impliedly) the provision of an aid, benefit, or service they are authorized to provide under the Institute’s education program or activity on another individual’s participation in unwelcome sexual conduct.
- *Hostile environment harassment.* 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 Institute’s education program or activity.

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following factors: (i) the degree to which the conduct affected the Complainant’s ability to access the Institute’s education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the parties’ ages, roles within the Institute’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other incidents of sex-based harassment in the Institute’s education program or activity.

3. **Sexual assault.** An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI).
4. **Dating violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on consideration of: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the individuals involved in the relationship.
5. **Domestic violence.** Felony or misdemeanor crimes committed by a person who: (i) is a current or former spouse or intimate partner of the victim under applicable family or domestic violence laws, or a person similarly situated to a spouse of the victim; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the applicable family or domestic violence laws.

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6. Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person’s safety or the safety of others; or (ii) suffer substantial emotional distress. This definition incorporates the concept of cyber-stalking, which employs the use of the internet, social media, blogs, texts, cell phones, or other similar devices or forms of communication.
7. Retaliation. All persons covered by this Policy are protected by law from retaliation as defined herein. Retaliation refers to intimidation, threats, coercion, or discrimination against an individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy or because the individual person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

4. Related Definitions

- *Advisor*. In sex-based harassment cases involving a student complainant or student respondent, an individual chosen by either party, or if necessary by the Institute, to accompany the party to meetings regarding the investigation or to a hearing. The Advisor of choice may be, but is not required to be, an attorney.
- *Complainant* means:
 - A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part; or
 - A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under this Policy and who was participating or attempting to participate in the Institute’s education program or activity at the time of the alleged sex discrimination.
- *Complaint* means an oral or written request to the Institute that objectively can be understood as a request to investigate and make a determination about alleged Prohibited Conduct under this Policy.
- *Consent* is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Consent cannot be given when it is the result

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of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.

- *Incapacity* occurs when an individual lacks the ability to knowingly choose to participate in sexual activity (e.g., the person lacks the ability to understand the “who, what, when, where, why, or how” of engaging in sexual activity). Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. This Policy covers a person whose incapacity results from mental, intellectual, or other disability, involuntary physical restraint, and/or from the use of alcohol or drugs.
- *Remedies* are measures taken by the Institute that are intended and designed to restore access or preserve equal access to the Institute’s education programs and activities. Remedies may include supportive measures, as defined below.

5. Consensual Relationships

Consensual romantic and/or sexual relationships between a manager or supervisor, and non-managers or supervisors, or between an employee with supervisory authority and his or her subordinate, may impact the Institute’s ability to enforce this Policy. Consequently, if such relationships arise, they will be considered carefully by the Institute and appropriate action will be taken. Such action may include a change in the responsibilities of the individuals involved in such relationships or a transfer of location within the Institute to diminish or eliminate the supervisory role existing between the individuals. Any manager or supervisory employee involved in such a relationship is required to report the relationship to the Vice President of Human Resources.

6. Title IX Coordinator

The Title IX Coordinator is responsible for coordinating the Institute’s compliance with Title IX. This responsibility includes administering and ensuring compliance with this Policy and coordinating the effective provision of supportive measures and remedies, as appropriate, and receiving and responding to reports of alleged Policy violations, among other responsibilities. In addition, the Title IX Coordinator will monitor the Institute’s education program or activity for barriers to reporting information about conduct that reasonably may constitute a violation of this Policy and take steps reasonably calculated to address such barriers.

When notified of conduct that reasonably may constitute sex discrimination under this Policy, the Title

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IX Coordinator will notify the Complainant or, if the Complainant is unknown, the individual who reported the conduct, of the available grievance and the informal resolution process if available and appropriate.

References to “Title IX Coordinator,” throughout this Policy also includes designee(s) of the Title IX Coordinator.

The contact information for the Title IX Coordinator is as follows:

Jo-Ann Mendel
Vice President, Human Resources and Title IX Coordinator
3601 Spruce Street, Philadelphia, PA 19104
T: 215-898-3968 | F: 215-898-2204 | E: mendel@wistar.org

Inquiries regarding this Policy and/or Title IX may also be made externally to the following entities:

- The United States Department of Education, Office for Civil Rights (OCR), 400 Maryland Avenue, SW, Washington, DC 20202.
- The United States Equal Employment Opportunity Commission (EEOC), T: 1-800-669-4000, E: info@eeoc.gov, or visiting their website at www.eeoc.gov.
- Pennsylvania Human Relations Commission, T: 717-787-4410, F: 717-787-0420, 333 Market Street, 8th Floor, Harrisburg, PA 17101-2210.

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator will determine whether to initiate a complaint of Prohibited Conduct that complies with the applicable grievance procedures. To make this fact-specific determination, the Title IX Coordinator will consider, at a minimum, the following factors:

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 that additional acts of sex discrimination would occur if a complaint is not initiated;
4. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a 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, including whether the Respondent is an employee of the Institute;

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6. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
8. Whether the Institute could end the alleged sex discrimination and prevent its recurrence without initiating its applicable grievance procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the Institute from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint. If initiating 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.

Regardless of whether a complaint is initiated, the Title IX Coordinator will take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual Complainant, if any, to ensure that sex discrimination does not continue or recur within the Institute's education program or activity.

7. Reporting Sex Discrimination, Sex-Based Harassment and Retaliation

The Institute strongly encourages the prompt reporting of all incidents of sex discrimination, sex-based harassment, and retaliation. Any person may report alleged Prohibited Conduct at any time, including during non-business hours, by using the telephone number or e-mail address of the Title IX Coordinator, or by meeting with or submitting a complaint to the Title IX Coordinator. For emergency or immediate assistance 24-hours a day, 7-days a week, please contact the Institute's Security Operations Center at 215-898-3730. Any individual may make an anonymous report concerning a violation of the Policy using the independently operated, toll-free compliance hotline at 844-982-3404 or online at <https://wistar.ethicspoint.com>. However, if the reporter provides limited information, the Institute may be limited in its ability to take action. The Title IX Coordinator and/or the Director of Institutional Compliance will keep the parties timely informed of the status of any investigation and inform the parties of any extensions of time to complete the process and the reason(s) for the extensions.

A Complainant will be informed that they may pursue a criminal complaint with the appropriate law enforcement agency, if applicable; pursue a complaint through this Policy and Related Grievance Procedures; or pursue both processes consecutively or concurrently. A Complainant may withdraw a complaint or involvement from the Institute process at any time. If a Complainant pursues a criminal complaint, the Institute may temporarily defer the investigation and/or resolution process for a reasonable

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time to allow law enforcement to complete their factual finding. The Institute will maintain documentation of the date of deferral. The Institute may continue its investigation where it has reason to believe that the Respondent may be an imminent threat to the safety of the Complainant and/or other individuals. The Institute will provide written notice to the Complainant and Respondent when it resumes its investigation and resolution process as appropriate.

8. Alcohol and/or Drug Use Amnesty for Students

The Institute strongly encourages students to report alleged Prohibited Conduct to the Title IX Coordinator. The Institute recognizes that students who have been drinking and/or using drugs, voluntarily or involuntarily, at the time of the alleged Prohibited Conduct may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Individuals who disclose alleged Prohibited Conduct to the Title IX Coordinator, other Institute officials, or law enforcement will not be subject to the Institute's policies for violations of alcohol and/or drug use occurring at or near the time of the alleged Prohibited Conduct.

9. Employees' Responsibilities to Report/Refer Prohibited Conduct to the Title IX Coordinator

Supervisors, managers, administrative leadership, and faculty members of the Institute have a responsibility to prevent sex discrimination, sex-based harassment, and retaliation. All supervisors, managers, administrative leadership, and faculty members who receive a complaint or information about alleged Prohibited Conduct, observe what may be Prohibited Conduct, or suspect for any reason that Prohibited Conduct is occurring, are required to immediately report the alleged Prohibited Conduct to the Title IX Coordinator. Failure to do so will result in possible disciplinary sanctions, up to and including termination.

All employees who receive information of conduct that reasonably may constitute Prohibited Conduct must: (i) notify the Title IX Coordinator, or (ii) provide the reporting individual with the Title IX Coordinator's contact information and information about how to make a complaint of sex discrimination with the Institute. Any person who knowingly misrepresents the truth, or whose willful action or inaction obstructs the application of this Policy may be subject to disciplinary action, up to and including termination.

10. Privacy and Confidentiality

At the beginning of the process, the Institute will inform the Complainant and Respondent about the Institute's confidentiality standards and privacy measures. In all cases, privacy of information about complaints and investigations will be maintained to the extent required by law and to the extent possible

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given the Institute’s obligations under the law and under this Policy. Even Institute employees who cannot guarantee confidentiality will maintain the parties’ privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution under this Policy.

The Institute does not restrict the ability of either party to discuss an investigation with other individuals. The Institute is not responsible and cannot be held liable for statements made by either party to other individuals. Individuals should be cautious not to make statements that may lead to a possible legal claim by another individual who believes that the statements are false, identify him or her to others, or have harmed his or her reputation.

The Complainant may request that the Title IX Coordinator not share their name (or other identifiable information) with the Respondent, or that the Title IX Coordinator take no action in response to a report. The Title IX Coordinator will evaluate a request for confidentiality or no action on a complaint in the context of the Institute’s obligations to provide a safe and nondiscriminatory environment for all community members, and to remain true to the principle of fundamental fairness, which requires that a Respondent be provided with notice of the allegations and an opportunity to respond before any disciplinary action is taken against a Respondent. The Title IX Coordinator will make this determination on whether to respect a request for confidentiality or no action on a complaint consistent with the following considerations: 1) the seriousness of the conduct; 2) the respective ages and roles of the Complainant, and the Respondent; 3) whether there have been other complaints against the Respondent; and 4) the right of the Respondent to receive notice and relevant information before disciplinary action is sought. A Complainant will be informed that a request for confidentiality may limit the Institute’s ability to respond.

11. Conflicts of Interest or Bias

Both parties have a right to an investigation and resolution process free of conflicts of interest or bias by any Institute employee, including the Title IX Coordinator, Director of Institutional Compliance, Hearing Officer, appeal decisionmaker, any person designated by the Institute to facilitate an informal resolution process, or any other individual designated by the Institute to participate in the investigation and resolution process under this Policy. Individuals involved in the process are required to disqualify themselves in a matter or proceeding in which the member’s impartiality might reasonably be questioned, including but not limited to instances where:

- The individual has a personal bias or conflict of interest concerning a party, or has personal knowledge of disputed facts concerning the matter;
- The individual has a personal bias or prejudice against Complainants or Respondents generally;

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- The individual was directly involved in the matter in controversy, or a subordinate whom the individual previously supervised is involved in the matter;
- The individual was a witness to the matter; or
- The individual or a person in the individual's family is related to a participant in the process.

An employee who fails to disqualify themselves or notify the Title IX Coordinator of potential conflicts of interest is subject to disciplinary action, up to and including termination.

The parties have the opportunity to object to the participation of any Institute official or employee or other individual designated by the Institute on the grounds of bias or conflict of interest. Any such objection should be raised as soon as possible. The investigation or proceeding will be temporarily suspended and the Title IX Coordinator or another appropriate official who is not the subject of the objection will evaluate whether the objection is substantiated. The parties will be notified in writing of the findings within five (5) business days of the objection first being raised. If the Institute employee or official is found to have a bias or conflict of interest against either party, the Institute employee or official will be removed from the matter and replaced with an individual free of bias or conflicts. The investigation or proceeding will resume immediately upon a finding of no bias or conflicts, or upon the replacement of the Institute employee or official, whichever occurs first.

12. External Reporting

The National Institutes of Health (NIH), the National Science Foundation (NSF), and other agencies and funders have implemented policies requiring institutional reporting of harassment and related misconduct by Principal Investigators, Co-Investigators, and Senior/Key Personnel. The Institute will comply with all applicable institutional reporting requirements.

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Grievance Procedures for Complaints of Alleged Sex Discrimination, Sex-Based Harassment, and Retaliation

The Institute has established the following general grievance procedures for complaints of alleged sex discrimination, sex-based harassment and retaliation under the Policy. Consistent with the requirements of the Title IX regulations, the Institute has also established specialized requirements for complaints of alleged sex-based harassment involving a student complainant or student respondent. These specialized requirements are denoted with boxes in this document.

The Institute will make a fact-specific determination and inform the parties of the applicable process when Complainant(s) and/or Respondent(s) have dual roles as student-employees. In making this determination, the Institute will consider the student-employee's primary relationship to the Institute and whether the alleged conduct occurred as part of educational- or employment-related work.

1. General Principles

The Institute will promptly and equitably resolve complaints of alleged Prohibited Conduct in accordance with the grievance procedures of this section.

The Institute's grievance process requires the following:

1. Equitable treatment of the Complainant and Respondent.
2. The Title IX Coordinator, Director of Institutional Compliance, investigator, other individual designated to conduct the investigation, the Hearing Officer, and the appeal decisionmaker may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. For sex-based harassment complaints involving student complainants or student respondents, the Hearing Officer and appeal decisionmaker may not be the same individuals as the Title IX Coordinator, Director of Institutional Compliance, designee or the investigator. For all other complaints under this Policy, the decisionmaker may be the same person as the Title IX Coordinator, Director of Institutional Compliance, designee or the investigator.
3. The Respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the grievance process.
4. The Institute has established reasonably prompt timeframes for the major stages of the grievance procedures.

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5. The Institute will take reasonable steps to protect the privacy of the parties and witnesses during the grievance process. These reasonable steps will not restrict the parties' ability to obtain and present evidence (such as speaking to witnesses or consulting with their family members, confidential resources, or Advisors) or otherwise prepare for or participate in the grievance process.
6. The Institute will objectively evaluate all inculpatory and exculpatory evidence that is relevant and not otherwise impermissible in the grievance process. The Institute will exclude evidence, and questions seeking evidence, that are not relevant and that are impermissible regardless of relevance.

Relevant evidence means related to the allegations of sex discrimination under investigation. Evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred.

Impermissible evidence refers to:

- a. Evidence that is protected under a privilege as recognized by Federal or state law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
 - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the Institute obtains that party's or witness's voluntary, written consent for use in the Institute's grievance procedures; and
 - c. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
7. The Institute will not conduct credibility determinations based on a person's status as a

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Complainant, Respondent, or witness.

8. The Institute will use consistent principles for the applicability of the grievance procedures and specialized grievance procedures under this Policy.
9. The Institute will make a fact-specific determination and inform the parties of the applicable process when Complainant(s) and/or Respondent(s) have dual roles as student-employees. In making this determination, the Institute will consider the student-employee's primary relationship to the Institute and whether the alleged conduct occurred as part of educational- or employment-related work.

2. Timeframes

The Institute strives to complete the grievance procedures promptly, generally within 90-120 business days. The Institute's goal is to complete the major stages of the grievance procedures as follows:

- Complaint evaluations will be completed within ten (10) business days of the date in which the Institute received the report of alleged conduct;
- Investigations will be completed within ninety (90) business days of the date in which the Institute received the report of alleged conduct;
- Determinations will be completed within fourteen (14) business days of the date in which the investigative report and evidence is submitted to the decisionmaker;
- Appeals will be completed within fourteen (14) business days after receipt of the written request for an appeal decisionmaker;
- Informal resolution, if applicable, will be completed within thirty (30) business days.

The timeframes for each major stage of the grievance procedures are subject to reasonable extensions of time for good cause, which the Institute will determine on a case-by-case basis. The Institute will send the parties written notice of any causes for delay.

3. Supportive Measures

When the Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination, sex-based harassment or retaliation under the Policy, the Title IX Coordinator will offer and coordinate

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supportive measures to the Complainant. If the Institute has initiated grievance procedures and/or offered an informal resolution process, the Title IX Coordinator will offer and coordinate supportive measures for the Respondent. Supportive measures refer to individualized measures offered without fee or charge as appropriate and reasonably available to the Complainant and/or to the Respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures are nonpunitive, non-disciplinary, and do not unreasonably burden a party for the purpose of: (i) restoring or preserving access to the Institute's education programs and/or activities, including measures designed to protect the safety of all parties or the Institute's educational environment, or deter sex discrimination, sex-based harassment or retaliation; and (ii) providing support during the grievance process of this Policy or during the informal resolution process. Supportive measures are offered before, during, and/or after the filing of a complaint or where no complaint has been filed.

Supportive measures, among other things, may include, but not be limited to:

- Restrictions on contact applied to one or more parties;
- Leaves of absence;
- Training and education programs related to sex discrimination, sex-based harassment, and/or retaliation; or
- A combination of any of these measures.

The Title IX Coordinator will coordinate supportive measures and appropriately address reasonable concerns about the party's safety or the safety of others. Both parties will be informed in writing of the applicable supportive measures available to them no later than issuance of notice that an investigation will be conducted. The Institute may, as appropriate, choose to extend, modify, or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process. A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

The Institute must 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 Institute to provide the supportive measures. The Institute 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, and subject to the following exceptions: (i) when the Institute has obtained prior written consent to the disclosure from the applicable party; (ii) 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 party; (iii) to carry out this Policy, including

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action taken to address conduct that reasonably may constitute sex discrimination under Title IX; (iv) as required by Federal law, regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or (v) to the extent such disclosures do not otherwise conflict with Title IX and are permitted or required under Federal, state or local law, such as the Family Educational Rights and Privacy Act, at 20 U.S.C. § 1232g with implementing regulations at 34 CFR Part 99. The Title IX Coordinator may consult, as appropriate, with designated officials or offices 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.

Both the Complainant and the Respondent may submit a written request to Institute’s General Counsel to seek a modification or reversal of the Title IX Coordinator’s decision to provide, deny, modify, or terminate an applicable supportive measure that directly affects him or her, and shall be allowed to submit evidence in support of their request. The Institute’s General Counsel will issue a determination if the Title IX Coordinator’s decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures within five (5) business days of the receipt of such a request.

Emergency Removal. On an emergency basis, the Institute may remove a student-Respondent from the Institute’s education program or activity, which includes but is not limited to denied access to the campus, facilities, events, classes, research laboratories, and/or all other activities or privileges for which the student-Respondent might otherwise be eligible. Alternative coursework or research options may be offered by the Title IX Coordinator to ensure as minimal impact as possible to the Respondent and Complainant. Prior to such removal, the Institute will undertake an individualized safety and risk analysis and determine 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 Prohibited Conduct justifies removal. The Institute will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

Administrative Leave. The Institute may place an employee-Respondent on administrative leave, paid or unpaid, from employment responsibilities pending the grievance process of this Policy

The Institute will provide the Respondent with written notice of an opportunity to appeal the decision to remove the Respondent on an emergency basis or place an employee-Respondent on administrative leave. The written appeal request should state the reasons why the Respondent believes the removal or administrative leave should be overturned. The appeal request must be received by the Institute’s General Counsel within five (5) business days of the written notification. The General Counsel will review the appeal to determine whether the decision was supported. The General Counsel’s appeal determination

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shall be sent to the Respondent within five (5) business days of receipt of the initial appeal request. The appeal determination by the General Counsel is final. The Institute will promptly address any violation of the emergency removal or administrative leave. The Institute will take immediate and responsive action to enforce any violation of an emergency removal or administrative leave.

4. Evaluation

The Title IX Coordinator will make an initial determination as to whether the reported conduct, if true, could constitute a violation of the Policy.

The Institute may dismiss a complaint of sex discrimination if: (i) the Institute is unable to identify the Respondent after taking reasonable steps to do so; (ii) the Respondent is not participating in the Institute's education program or activity; (iii) the Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Institute determines that without the withdrawn allegations, the remaining alleged conduct would not constitute sex discrimination even if proven; or (iv) the Institute determines the alleged conduct in the complaint, even if proven, would not constitute sex discrimination.

In all other instances, if the Title IX Coordinator determines that the allegations, if true, could constitute a violation of the Policy, and that an investigation will commence, the matter will proceed to an investigation. The Director of Institutional Compliance or designee will conduct an investigation to determine if the Policy may have been violated.

The parties have the option of using procedures in this section or the informal resolution procedures described later in this Policy.

Under both options, the Director of Institutional Compliance will meet with the Complainant and the Respondent separately to discuss the complaint and the process.

The Institute may consolidate complaints as to allegations of violations of this Policy against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances. If one of the complaints to be consolidated is a complaint of sex-based harassment involving a student as either Complainant or Respondent, the Institute's specialized grievance procedures will apply.

The Institute will promptly notify the Complainant and Respondent of any decision(s) to dismiss a complaint, in whole or in part, as well as the basis for the dismissal, the opportunity to appeal the dismissal decision and the availability of supportive measures. The Institute will make reasonable efforts to clarify the allegations with the Complainant prior to dismissing a complaint, in whole or in part, and the Title IX

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Coordinator will take other appropriate prompt and effective steps to ensure that sex discrimination, sex-based harassment, and/or retaliation does not continue or recur.

5. Notice of Allegations

The Title IX Coordinator will notify the Complainant and Respondent, if known to the Institute, in writing of its decision to proceed to investigation of any alleged violation of this Policy. The Institute will provide the parties with sufficient time to review the written notice and prepare a response before any initial interview. The written notification to the Complainant and to the Respondent will include the following, where known at that time:

- a. The grievance process under this Policy and the informal resolution process;
- b. Sufficient information available at the time to allow the parties to respond to the allegations. Sufficient information includes the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct under this Policy, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the Institute;
- c. A statement that retaliation is prohibited; and
- d. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report.

For sex-based harassment complaints *involving a student complainant or student respondent*, the written notice must *also* include:

- e. Information explaining that the Respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures and that prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- f. Information explaining that the parties may have an Advisor of their choice to accompany the party to meetings regarding the investigation or to a hearing and serve in the cross-examination role during the hearing, and that the Advisor may be, but is not required to be, an attorney; and
- g. Information explaining that the Institute prohibits knowingly making false statements or knowingly submitting false information during the grievance procedure.

If, in the course of an investigation, the Institute decides to investigate additional allegations of sex discrimination, sex-based harassment and/or retaliation, the Institute will provide the Complainant and Respondent with notice of the additional allegations.

To the extent the Institute has reasonable concerns for the safety of any person as a result of providing

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written notice, the Institute may reasonably delay providing written notice of the allegations (and forgo any related written notice of a subsequent dismissal of the complaint) in order to address the safety concern appropriately. Reasonable concerns will be based on an individualized safety and risk analysis and not on mere speculation or stereotypes.

6. Investigation

The Institute will respond promptly and effectively to reports or complaints of sex discrimination, sex-based harassment, and retaliation. The Institute will provide for adequate, reliable, and impartial investigation of complaints, including taking the following steps:

- a. The Institute will ensure that the burden is on the Institute (not the parties) to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination, or sex-based harassment and/or retaliation occurred;
- b. The Director of Institutional Compliance or designee will conduct the investigation;
- c. The Institute will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;
- d. The Institute will provide a process that enables the Director of Institutional Compliance or designee to question the parties and witnesses to adequately assess credibility to the extent that credibility is in dispute and relevant to evaluating the alleged conduct;
- e. The Institute will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance;
- f. The Institute will provide each party with an equal opportunity to access the evidence that is relevant and not otherwise impermissible to the allegations of sex discrimination, and may issue to the parties a written investigative report that accurately summarizes this evidence;
- g. If the Institute provides an investigative report, it will further provide that the parties have an equal opportunity to request access to the relevant and not otherwise impermissible evidence upon the request of any party;
- h. The Institute will provide the parties with a reasonable opportunity to review and respond to the evidence and/or the investigative report prior to the determination whether sex discrimination, sex-based harassment, and/or retaliation occurred; and
- i. The Institute will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance process, which does not include authorized disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination.

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For sex-based harassment complaints *involving a student complainant or student respondent*, the following provisions apply.

- j. The Institute will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate;
- k. The Institute will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the Advisor. The Institute may establish restrictions regarding the extent to which the Advisor may participate in the grievance procedures, and any such restrictions will apply equally to the parties.
- l. The Institute will provide the parties with the same opportunities, if any, to have persons other than the Advisor of the parties' choice present during the investigations or related meetings;
- m. The Institute will decide whether the parties may present expert witnesses during the investigation, and this decision will apply equally to the parties;
- n. The Institute will provide each party and the party's Advisor with an equal opportunity to access and review the evidence or, where applicable, investigative report in advance of the live hearing;
- o. If the Institute provides access to an investigative report, upon request of either party, the Institute will provide the parties with an equal opportunity to access and review the relevant evidence;
- p. The Institute will provide the parties with a reasonable opportunity to review and respond to the evidence or the investigation report prior to the determination of whether sex-based harassment occurred.

7. Hearing – required *only for sex-based harassment complaints involving a student complainant or student respondent*.

The Institute will conduct a live hearing and questioning of the parties and any witnesses prior to any determination for sex-based harassment complaints *involving a student complainant or student respondent*.

- a. The Institute will appoint a Hearing Officer as the decisionmaker;
- b. The Institute will provide the parties with the same opportunities, if any, to have persons other than the Advisor of the parties' choice present during the hearing or related meetings;
- c. The Institute, upon request by the parties, may conduct the hearing with the parties physically present in separate locations via videoconference that enables the Hearing Officer and parties to simultaneously and contemporaneously see and hear the other party and witnesses while such individuals are speaking during the live hearing;
- d. The Institute will provide the parties with an opportunity to review the evidence in advance of the hearing;
- e. The Institute may allow parties the opportunity to respond to the evidence prior to and/or during the hearing;
- f. At the hearing, the Hearing Officer will ask relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility;

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- g. The Hearing Officer, in their discretion, will decide whether the parties may present expert witnesses at the hearing, and this decision will apply equally to the parties;
- h. Each party will be allowed to propose questions that the party wants asked of any party or witness and have those questions asked by the Hearing Officer. Alternatively, each party's advisor may ask any party or witness relevant and not otherwise impermissible questions. Such questioning must never be conducted by a party personally;
- i. If a party does not have an advisor to ask questions on their behalf, the Institute will provide the party with an advisor of the Institute's choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, the Institute may appoint, but is not required to appoint, an attorney to serve as an advisor;
- j. Prior to a question being posed to a party or witness, the Hearing Officer must determine if a proposed question is relevant and not otherwise impermissible. The Hearing Officer will provide an explanation for any decision to exclude a question as not relevant or otherwise impermissible. The Hearing Officer will not permit questions that are unclear or harassing to a party or witness. The Hearing Officer will give a party an opportunity to clarify or revise a question that the Hearing Officer has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, the question will be asked;
- k. The Hearing Officer may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Hearing Officer will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to relevant and not impermissible questions;
- l. The Institute may also adopt and apply other reasonable rules regarding decorum, provided they apply equally to the parties; and
- m. The Institute will make available to the parties an audio or audiovisual recording or transcript of the live hearing for inspection and review.

8. Written Determination

The Institute will use the preponderance of the evidence standard of proof to determine whether sex discrimination, sex-based harassment and/or retaliation prohibited under this Policy occurred following an investigation and evaluation of all relevant and not otherwise impermissible evidence.

- For cases of alleged sex discrimination, sex-based harassment not involving student complainants or student respondents, or retaliation, the Director of Institutional Compliance or designee will make the determination.
- For cases of alleged sex-based harassment involving student complainants or student respondents, the Hearing Officer will make the determination.

The Institute will simultaneously notify the parties in writing of:

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- a. The determination regarding whether sex discrimination, sex-based harassment and/or retaliation prohibited by the Policy occurred;
- b. Any applicable sanctions/disciplinary actions and/or remedies;
- c. The rationale for the determination and any applicable sanctions/disciplinary actions and/or remedies; and
- d. The procedures and permissible bases for appeal available to both parties.

For sex-based harassment complaints involving a student complainant or student respondent, the written determination will also include:

- e. A description of the alleged sex-based harassment;
- f. Information about the policies and procedures that the Institute used to evaluate the allegations;
- g. The Hearing Officer's evaluation of the relevant and not otherwise impermissible evidence, the findings of fact, determination whether sex-based harassment occurred and rationale for the determination as applicable;
- h. When the Hearing Officer finds that sex-based harassment occurred, any disciplinary sanctions the Institute will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the Institute to the Complainant, and, to the extent appropriate, other students identified by the Institute to be experiencing the effects of the sex-based harassment; and
- i. The Institute's procedures for the Complainant and Respondent to appeal.

The written determination regarding responsibility becomes final either on the date that the Institute provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

9. Appeals

The Respondent and/or the Complainant may appeal the Institute's closure or dismissal of a complaint or allegations therein, or the decisionmaker's written determination of responsibility. Either party may also appeal the sanctions or discipline imposed by the decisionmaker. The appeal decisionmaker(s) will not be the same person as the decisionmaker(s) that reached the determination regarding dismissal, the investigator(s), or the Title IX Coordinator.

The Institute will implement the appeal procedures equally for both parties and will use the preponderance of the evidence standard for its determination. A request for an appeal must be submitted in writing to the Institute's General Counsel for consideration by an appeal decisionmaker within two (2) business days of the issuance of the written determination. When an appeal is filed by one party, the Institute will notify the other party in writing that an appeal has been filed. The Institute will provide both parties a reasonable, equal opportunity to submit a written statement in

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support of, or challenging, the outcome.

An appeal of the decision may be considered if one of the following grounds is present:

- **Procedural Error:** A procedural error occurred that affected the outcome, including the findings and/or sanctions or discipline. A description of the error and its impact on the outcome of the case must be included in the written appeal. Minor or harmless deviations from the process will not invalidate the proceedings.
- **New Evidence:** New evidence that was not reasonably available at the time that the determination of responsibility was made and that could affect the outcome, including the findings and/or sanctions. Information that was known to the Complainant or Respondent during the investigation, but which he or she chose not to present, is not new evidence. A summary of this new evidence and its potential impact on the investigation findings and/or sanctions must be included in the written appeal.
- **Conflict of Interest or Bias:** The Director of Institutional Compliance or designee, the Title IX Coordinator or designee, the investigator(s), or the Hearing Officer 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.

Once an appeal request is received, a decision will be issued on eligibility for appeal usually within three (3) business days. If the process is extended beyond three (3) days, the Institute's General Counsel will inform the parties of the extension of time to complete the appeal and the reason(s) for the extension. If the grounds for an appeal are not met, the request for an appeal will be denied and the parties will be simultaneously informed in writing. Regardless of whether all parties request an appeal, the Complainant and Respondent will be informed in writing, and permitted to participate in the appeal and to respond to the information provided by the other party.

The Institute strives to complete the appeals process within fourteen (14) business days after receipt of the written request for an appeal. If the grounds for an appeal are not met, the request for an appeal will be denied and the parties will be simultaneously informed in writing. The appeal decisionmaker will simultaneously notify both parties in writing of that outcome, including the result of the appeal and the rationale for the result. The decision shall be final.

10. Sanctions/Disciplinary Actions and Remedies

If there is a determination that sex discrimination, sex-based harassment and/or retaliation prohibited by this Policy occurred, as appropriate, the Title IX Coordinator will coordinate the provision and implementation of remedies to a complainant and other persons the Institute identifies as having had equal

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access to an education program or activity limited or denied by sex discrimination, coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions, and take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the education program or activity.

Sanctions/disciplinary that may be taken against a student-Respondent in response to a finding of a violation of this Policy include, but are not limited to, suspension or expulsion.

Sanctions/disciplinary that may be taken against an employee-Respondent in response to a finding of a violation of this Policy include, but are not limited to, reprimand, reassignment, transfer, disciplinary action, or termination. Sex discrimination, including sex-based harassment, will be deemed to be insubordination and refusal to obey the policies of the Institute.

The Institute will not impose discipline on a Respondent for sex discrimination, sex-based harassment, or retaliation under this Policy unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in prohibited sex discrimination, sex-based harassment, or retaliation under this Policy.

The Institute will not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the Institute's determination whether sex discrimination, sex-based harassment, or retaliation occurred.

11. Informal Resolution Process

The purpose of informal resolution is to allow the parties to resolve the issue through a voluntary consultation process, rather than the grievance procedures described above.

At any time prior to the issuance of a written determination related to alleged Prohibited Conduct, the Institute may offer informal resolution to the parties as alternative procedures to the grievance procedures, subject to the Institute's discretion and applicable federal, state, and local laws. Informal resolution is a voluntary, structured interaction between or among the parties that is designed to reach an effective resolution to a complaint. These informal procedures may include, but are not limited to, mediation, counseling, and/or any other means of resolving a complaint other than a formal resolution process. The informal resolution process attempts to resolve the issue with the Complainant and Respondent by mutual agreement. If an informal resolution process is used, the Institute strives to resolve the matter through that process within 30 business days.

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The Title IX Coordinator retains the discretion to determine which cases are appropriate for informal resolution. The Institute may decline to offer informal resolution despite one or more of the parties' wishes, and when the Institute determines that the alleged conduct would present a future risk of harm to others.

The Institute will inform the parties in writing of the offer of informal resolution, along with their rights and responsibilities in the informal resolution process. Participation in the informal resolution process is voluntary, and the Institute will not require the parties to participate in an informal resolution process. Both parties must voluntarily consent to the informal resolution process. The Institute does not require the parties to waive 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. Both a Complainant and a Respondent can request to end this type of resolution and pursue an investigation and resolution at any time.

The Institute must obtain the parties' voluntary, written consent to the informal resolution process. The Institute will provide the parties with written notice disclosing:

1. Information of the allegations;
2. The requirements of the informal resolution process;
3. That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the Institute's grievance procedures;
4. That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
6. What information the Institute will maintain and whether and how the Institute could disclose such information for use in grievance procedures under this Policy if grievance procedures are initiated or resumed.

The facilitator for the informal resolution process will not be the same person as the Director of Compliance, the Title IX Coordinator, the investigator or the Hearing Officer, nor will the facilitator have a conflict of interest or bias for or against the Complainant(s) or Respondent(s) generally or an individual Complainant or Respondent.

Information shared or obtained during informal resolution will be treated as confidential to the extent permitted by law, and will not result in subsequent disciplinary actions by the Institute, unless additional action is deemed necessary to fulfill the Institute's legal obligations.

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Written notification will promptly be sent by the Title IX Coordinator to the Complainant and the Respondent at the conclusion of the informal resolution process. The notification will describe the terms of the approved informal resolution agreement, if any. 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 the Institute's education programs or activities and attendance at specific events, as well as any remedies or disciplinary sanctions that could have been imposed at the conclusion of the grievance procedures set forth above. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the informal resolution agreement may result in appropriate responsive actions.

12. Recordkeeping

The Institute will maintain for a period of at least seven (7) years:

- Records documenting the informal resolution process or the grievance process under this Policy, as applicable, and the resulting outcome for each complaint of sex-based harassment involving students.
- Records documenting the actions the Institute took to meet its obligations under this Policy for each notification the Title IX Coordinator receives of information about conduct that reasonably may violate this Policy.
- All materials used to provide training to officials responsible for implementing this Policy. The materials will be available for public inspection upon request.