

BLUE CLIFF COLLEGE

TITLE IX NON-DISCRIMINATION & ANTI-HARASSMENT POLICY

Policy Statement

Blue Cliff College is committed to providing a supportive learning and working environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex, pregnancy status or related conditions, or family, marital or parental status. Blue Cliff College considers discrimination on the basis of sex in all its forms to be a serious offense. Sex Discrimination constitutes a violation of this policy, is unacceptable, and will not be tolerated.

Sexual Harassment, whether verbal, physical, or visual, is a form of prohibited Sex Discrimination. Sexual Harassment means harassment on the basis of sex, and includes sexual assault, dating violence, domestic violence, and stalking. The specific definition of Sexual Harassment, including examples of such conduct, are set forth in Appendix A to this policy.

Title IX Statement

Title IX provides that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Further information about Title IX can be found at <https://www.justice.gov/crt/title-ix>.

Scope and Application¹

This policy is implemented to ensure compliance with local, state, and federal laws in alignment with existing Blue Cliff College student and employee policies. The scope of this policy extends to all prohibited behaviors under Title IX², and conducted by students, volunteers, external community members, employees, third-party contractors, guests, or any other third parties occurring under or in connection with Blue Cliff College's education program or activity in the United States, including but not limited to campus events, travel associated with an education program or activity, or any other Blue Cliff College-sponsored education program or activity.

Notice of Non-Discrimination

Blue Cliff College does not discriminate on the basis of sex and prohibits Sex Discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

Inquiries about Title IX may be referred to Blue Cliff College's Title IX Coordinator, the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

¹ See Appendix A for a list of relevant definitions that apply to this policy and the Formal Grievance Policy.

² Claims regarding violations of state anti-discrimination statutes or regulations are dealt with under the institution's general student code of conduct/policy and complaint procedures.

It is the policy of Blue Cliff College for instances of alleged Sex Discrimination occurring on or after August 14, 2020, to comply with the regulations effective August 14, 2020, implementing Title IX of the Education Amendments of 1972, which prohibit discrimination based on sex in Blue Cliff College's educational programs and activities. For alleged issues occurring prior to August 14, 2020, regardless of when reported, Blue Cliff College will address those alleged issues under the Title IX policy in effect prior to August 14, 2020. Title IX and its implementing regulations also prohibit retaliation for asserting claims of Sex Discrimination.

Title IX Coordinator

Blue Cliff College has designated the following Title IX Coordinator to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of Sexual Harassment:

Ms. Amanda Roy, Corporate Director of Compliance, (225) 287-1518, aroy@bluecliff.edu

Complaints of Sexual Harassment should be reported to Blue Cliff College's Title IX Coordinator in accordance with Blue Cliff College's Title IX Complaint/Grievance Procedure Policy. Other incidents of sexual misconduct or discrimination should be reported following the procedures outlined in the Student Complaint/Grievance Procedure Policy³ located in the applicable school catalog.

Individuals experiencing harassment or discrimination also have the right to file a formal grievance with the United States Department of Education:

Assistant Secretary, Office for Civil Rights ("OCR")
U.S. Department of Education
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone – 800-421-3481
Fax – 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov
Web: <https://ocrcas.ed.gov/contact-ocr>

Roles and Responsibilities of Title IX Coordinator

The Title IX Coordinator oversees compliance with all aspects of this policy. Specifically, the Title IX Coordinator is responsible for coordinating the dissemination of information and education and training programs to: (1) assist members of the Blue Cliff College community in understanding that Sexual Harassment is prohibited by this policy; (2) ensure that investigators are trained to respond to and investigate complaints of Sexual Harassment; (3) ensure that faculty, staff, and students are aware of the procedures for reporting and addressing complaints of Sexual Harassment; and (4) coordinating responses to all complaints involving Sexual Harassment.

³ Note that grievance procedures for sex discrimination (not including sexual harassment) are no longer required to be included in a Title IX grievance policy under §106.45. These complaints should be handled separately and similarly to how each institution handles all other discrimination complaints.

The Title IX Coordinator oversees implementation and enforcement of the Title IX Complaint/Grievance Policy, which includes primary responsibility for coordinating Blue Cliff College's efforts related to the intake, investigation, resolution, and implementation of complaints and the provision of Supportive Measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy. When Blue Cliff College has Actual Knowledge of Sexual Harassment in its education program or activity, Blue Cliff College will respond promptly in a manner that is not deliberately indifferent, including,

- Treating the Complainant and Respondent equitably; and
- Offering and coordinating Supportive Measures.

Others' Responsibilities Under This Policy

- *Supervisors*
 - It is the responsibility of those employees who formally supervise faculty, staff or employees to:
 - Inform employees under their direction or supervision of this policy;
 - Implement any corrective actions that are imposed as a result of findings of a violation of this policy.
- *Employees*
 - It is the responsibility of all employees to review this policy and comply with it.
- *Students*
 - It is the responsibility of all students to review this policy and comply with it.

Record Keeping

Blue Cliff College shall create, and maintain for seven (7) years, records of any actions (including any Supportive Measures) taken in response to a report or complaint of Sexual Harassment. Blue Cliff College records shall include:

- For each report the Title IX Coordinator receives of information about conduct that reasonably may constitute Sexual Harassment under Title IX, records documenting the actions the Blue Cliff College took to meet its obligations under Title IX and this policy;
- For each complaint of Sexual Harassment records including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the Respondent, and any Supportive Measures provided to the Complainant;
- Any appeal and the result therefrom;
- Any informal resolution; and

- All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

Anti-Retaliation Policy

Blue Cliff College prohibits retaliation, including peer retaliation, in its education program or activity. Retaliation under this policy includes intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or its applicable regulations, or because the individual made a report or complaint, testified, assisted, or participated in or refused to participate in any manner in an investigation, proceeding, or hearing afforded by any process outlined in this policy. Any retaliation complaints should be reported to the Title IX Coordinator.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of Sex Discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation. Exercising rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

Blue Cliff College will keep confidential the identity of any individual who has made a report or complaint of Sex Discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of Sex Discrimination, any Respondent, and any witness, except as may be permitted or required by applicable law. Complaints alleging retaliation may be filed according to the grievance procedures for Sex Discrimination.

Supportive Measures

Blue Cliff College will offer and coordinate reasonable Supportive Measures as appropriate and without fee or charge for the Complainant and/or Respondent to restore or preserve that person's access to Blue Cliff College's education program or activity, or to provide support during Blue Cliff College's formal or informal resolution process to minimize disruption to that party's participation in an education program or activity. Supportive Measures are available to a Complainant regardless of whether they wish to pursue any formal or informal resolution process outlined in this policy. Supportive Measures implemented by Blue Cliff College will not impose an unreasonable burden on either party, and they will not be imposed for punitive or disciplinary reasons. Blue Cliff College will engage in a fact-specific inquiry to determine whether Supportive Measures constitute an unreasonable burden on a party.

Blue Cliff 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. The Title IX Coordinator may

consult with the Blue Cliff College employee charged with ADA compliance responsibilities if Complainant or Respondent has a disability.

Supportive Measures may include:

1. Counseling;
2. Reasonable academic accommodations (e.g., extending deadlines or other course-related adjustments);
3. Campus escort services;
4. Increased security and monitoring of certain areas of the campus;
5. Ordering the Complainant and Respondent to have no further contact with each other and/or other third parties;
6. Leaves of absence;
7. Modifying class schedules or working arrangements;
8. Any other measure which can be tailored to the involved individuals to achieve the purposes and goals of this policy.

Blue Cliff College may modify or terminate previously approved Supportive Measures based on the changed circumstances of the parties and/or the procedures invoked by this policy. Such modifications or terminations may be requested by the party they apply to or made at the recommendation of the Title IX Coordinator.

BLUE CLIFF COLLEGE
TITLE IX GRIEVANCE POLICY

A. Title IX Policy Statement

Blue Cliff College strictly prohibits Sexual Harassment and retaliation against any person who reports Sexual Harassment or participates (or refuses to participate) in any Title IX grievance process under this policy.

Blue Cliff College will promptly respond to a report of Sexual Harassment when it (1) has Actual Knowledge of Sexual Harassment; (2) that occurred within an applicable school's education program or activity; (3) against a person in the United States.

Blue Cliff College requires an individual to act in good faith when reporting acts that reasonably may violate this policy or when serving as a witness in a formal grievance process. Providing or submitting false or misleading information in bad faith is prohibited and such conduct may be disciplined under the relevant Blue Cliff College policies and procedures. Reports made or information provided in good faith, even if the facts are later unsubstantiated, will not be subject to disciplinary consequences.

B. Formal Complaint

Blue Cliff College utilizes a prompt, equitable and impartial grievance process to evaluate Formal Complaints of Sexual Harassment, which may be filed by a Complainant or by Blue Cliff College's Title IX Coordinator. A "Formal Complaint" is a document (hardcopy or electronic) filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the school investigate. A Formal Complaint must be signed (physical or digital) by the Complainant, the Title IX Coordinator or otherwise indicate that that Complainant is the person filing the Formal Complaint. When filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the school at which the Formal Complaint is filed.

The Title IX Coordinator will respect the Complainant's wishes as to whether the Title IX Coordinator investigates an allegation of Sexual Harassment, unless the Title IX Coordinator determines that not investigating would be deliberately indifferent or harmful to the school community. The Title IX Coordinator may consolidate Formal Complaints where the allegations arise out of the same facts.

If a Complainant makes a report anonymously, it will be investigated by Blue Cliff College to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures can be provided. Anonymous reports typically limit Blue Cliff College's ability to investigate and respond, depending on what information is shared. In some situations, the Title IX Coordinator may proceed with the issuance of a Formal Complaint even when the Complainant's report has been made anonymously.

C. Dismissal of Formal Complaints in Certain Circumstances

The Title IX Coordinator will dismiss a Formal Complaint if the conduct alleged in the Formal Complaint:

- Does not meet the definition of Sexual Harassment;
- Did not occur in the school's education program or activity; or
- Did not occur against a person in the United States.

The Title IX Coordinator may dismiss a Formal Complaint where:

- Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the Formal Complaint or allegations;
- Respondent is no longer enrolled or employed by Blue Cliff College; or
- Specific circumstances prevent Blue Cliff College from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations therein.

Blue Cliff College shall provide the parties with written notice of a dismissal, whether mandatory or discretionary, and the reason for the dismissal. Dismissal of the Formal Complaint under this policy does not preclude the institution from investigating the allegations under a different Blue Cliff College or institutional policy.

D. Written Notice of Allegations

Upon receipt of a Formal Complaint of Sexual Harassment, the Title IX Coordinator shall provide written notice of the allegations to the parties. The written notice shall:

- Include sufficient details of the allegations, including the identities of the parties involved, policy alleged to have been violated, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident in order to allow the parties to prepare for an initial interview.
- Inform the parties that they may have an advisor of their choice.
- Inform the parties they will have an opportunity to review evidence obtained during the investigation.
- Include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the entire grievance process.
- Inform the parties that they are prohibited from knowingly making any false statement or knowingly submitting false information during the grievance process.
- Inform the parties of Blue Cliff College's informal resolution process.

The parties will also be provided with separate written notice of any investigative interview, meeting or hearing. Interview/meeting notices will include the date, time, location, participants and purpose of the investigative interview or meeting.

If, in the course of an investigation, Blue Cliff College decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided pursuant to this section, Blue Cliff College will provide notice of the additional allegations to the parties whose identities are known.

E. Informal Resolution

After a Formal Complaint is filed, the school may offer the parties the opportunity to engage in an informal resolution process such as a mediation or informal settlement conference. The school, however, will not offer or facilitate an informal resolution process where the allegations in the Formal Complaint allege that an employee sexually harassed a student.

Before proceeding with an informal resolution process, both parties must give voluntary, informed, written consent. Blue Cliff College will provide written notice to the parties disclosing the allegations, the requirements of the informal resolution process, and any consequences of participating in the informal resolution process. Any party may withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint at any point prior to agreeing to a resolution.

F. Emergency Removal of Respondents from Campus

Blue Cliff College may temporarily remove an individual from campus on an interim basis during the pendency of a Formal Complaint in limited emergency circumstances where there is an immediate threat to physical health or safety. Before taking this emergency measure, the school will

Undertake an individualized safety and risk analysis to determine whether there is an immediate threat to the physical health or safety of any person arising from the allegations of Sexual Harassment;

- Make an affirmative determination that such an immediate threat exists based on its individualized safety and risk analysis; and
- Provide the Respondent with notice and an opportunity to challenge the emergency decision immediately following the Respondent's removal.

G. Grievance Process

Blue Cliff College shall investigate all Formal Complaints of Sexual Harassment using its Grievance Process, which is designed to ensure due process and fairness to all parties. Title IX personnel (Title IX Coordinator, investigators, decision-makers, and individuals who facilitate informal resolution) will be free from conflicts of interest or bias for or against Complainants or Respondents. Title IX personnel will objectively evaluate all relevant evidence and avoid credibility determinations based on a person's status as a Complainant, Respondent or witness. Blue Cliff College shall not impose discipline on a Respondent without going through the required grievance process.

H. Standard of Evidence

For all Formal Complaints of Sexual Harassment (including where employees are Respondents), Blue Cliff College will apply the preponderance of the evidence standard, meaning that it is “more likely than not” that something did or did not occur.

I. Presumption of Non-Responsibility

A Respondent is presumed not responsible for the alleged Sexual Harassment until a determination regarding responsibility is made at the conclusion of the grievance process.

As outlined in the written notice of allegations, the parties may have an advisor of their choice present at any stage of the process. The advisor is allowed to be present at any meeting but is required to be at the live hearing for the purpose of conducting cross-examinations. If the party does not have an advisor for the live hearing, Blue Cliff College shall provide, without fee or charge to that party, an advisor of Blue Cliff College’s choice. The Complainant and Respondent may not conduct cross- examination.

J. Investigation Process

A Formal Complaint shall be investigated by the Title IX Coordinator or other trained designee (“Investigator”), who will conduct interviews and gather evidence. The Investigator will objectively evaluate all relevant evidence and avoid credibility determinations based on a person’s status as a Complainant, Respondent, or witness. The investigator shall be free from conflicts of interest or bias for or against the Complainant or Respondent.

Both parties shall have an equal opportunity to submit and review evidence throughout the investigation process, including the opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence. Blue Cliff College shall not restrict the parties’ ability to discuss the allegations or gather or present relevant evidence.

The scope of an investigation will vary depending on the allegations and circumstances of each individual Formal Complaint. Each Formal Complaint will be assessed on an individualized basis.

Blue Cliff College will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, which are made and maintained in connection with the provision of treatment to the party, unless Blue Cliff College obtains that party's voluntary, written consent to do so.

The Investigator shall provide written notice to the parties in advance of any meeting, interview, or hearing conducted as part of the investigation in which they are expected or invited to participate.

Before concluding the investigation, Blue Cliff College shall provide the parties and their advisors, if any, the opportunity to inspect and review any evidence obtained during the investigation that is directly related to the allegations raised in the Formal Complaint, including all inculpatory and exculpatory evidence. The evidence will be provided to the parties in an electronic format or a

hard copy, and the parties will be given 10 days to submit a written response. The Investigator will consider the written responses before the completion of the investigative report.

K. Investigative Report

At the conclusion of the investigation, the Investigator will create an investigative report that fairly summarizes the relevant evidence. The investigative report shall be provided to the parties (and their advisors) in an electronic format or a hard copy, and the parties will be given 10 days to submit a written response. The final investigative report will be provided at least 10 days before the live hearing so the parties have the opportunity to review and provide written responses

L. Live Hearing

If a Formal Complaint is not or cannot be resolved through informal resolution, Blue Cliff College shall hold a live hearing. The hearing will be overseen by the applicable campus President/Executive Director or other trained designee (“Decision-Maker”), separate from the Title IX Coordinator or Investigator. The Decision-Maker shall be free from conflicts of interest or bias and shall be trained on how to serve impartially, issues of relevance and any technology to be used at the hearing.

The hearing may be conducted with all parties present physically or virtually, so long as all participants are able to see and hear one another in real time. A party is prohibited from solely participating in the hearing by telephone. At the request of either party, Blue Cliff College will permit the parties to be in separate rooms during the entirety of the hearing. Blue Cliff College will create an audio or audiovisual recording, or transcript of the live hearing and make it available to the parties for inspection and review.

M. Cross-Examination

During the hearing, every witness may be subjected to cross-examination by the party’s advisor. The applicable school will allow a party’s advisor to directly and in real time present all relevant questions and follow up questions to another party or witness, including the advisor challenging the credibility of a party. Cross-examination must come from a party’s advisor and may not come directly from a party.

If a party or witness does not submit to live cross-examination, the Decision-Maker will not rely on any statement made by that party or witness when making the decision about the Respondent’s responsibility. Only statements that have been tested for credibility through cross-examination at the hearing may be considered by the Decision-Maker in reaching a responsibility determination. This includes statements against interest.

By way of example, if a party makes a statement against interest to the Investigator during the investigation but subsequently declines to participate in the hearing or otherwise be subject to cross-examination, the statement made to the Investigator will not be relied upon in making a determination regarding responsibility. The Decision-Maker will also not draw any inference regarding responsibility based solely on a party’s or witness’ absence from the live hearing or refusal to answer cross-examination or other questions.

N. Questions Must Be Relevant

Questions posed to parties and witnesses at the hearing must be relevant. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker must determine whether the question being asked is relevant and provide an explanation as to any decision to exclude a question as not relevant. Questions relating to a Complainant's prior sexual behavior are irrelevant unless the questions are offered to prove someone else was responsible for the alleged conduct or offered to prove consent. As used in this Formal Grievance Process, evidence is "relevant" when it may aid a decisionmaker in determining whether the alleged Sexual Harassment occurred, and questions are "relevant" when they seek evidence that may aid in showing whether the alleged Sexual Harassment occurred.

O. Evidence Limitations

Blue Cliff College will not rely on or seek disclosure of information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.

P. Written Determination

Based on all relevant evidence obtained during the investigation and hearing, the Decision-Maker shall issue a written determination. The written determination will include a determination of responsibility as well as a written finding of facts. The determination will include: (i) identification of the allegations potentially constituting Sexual Harassment, (ii) a description of the procedure from Formal Complaint through hearing, (iii) conclusions regarding the application of and clearly state a conclusion regarding whether the alleged conduct occurred as alleged or at all and support each conclusion with the rationale relied upon. The written determination will also indicate the sanctions imposed on the Respondent and whether remedies will be provided to the Complainant.

Following a determination of responsibility, appropriate corrective action will be taken, and Blue Cliff College will take steps to prevent recurrence. Sanctions will be determined on a case-by-case basis. Possible sanctions may include, but are not limited to:

- Warning: Notice, in writing, that continuation or repetition of the misconduct may be cause for additional disciplinary action.
- Disciplinary Probation: Exclusion from participation in privileged activities for a specified period of time. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation or any other Blue Cliff College policy violations may result in further disciplinary action.
- Restriction on Contact: Restricting the Respondent from contacting the Complainant.
- Suspension: Exclusion from Blue Cliff College premises, attending classes, and other privileges or activities for a specified period of time.
- Expulsion: Permanent termination of student status and exclusion from Blue Cliff College premises, privileges, and activities.
- Termination: Termination of employment*.

- Other: Other sanctions may be imposed instead of, or in addition to, those specified here.
- Multiple Sanctions: More than one of the sanctions listed above may be imposed for any single violation.

*Employees are also subject to processes and discipline determined by the campus under applicable policies, which are separate and apart from the Title IX process and not constrained by the outcome of the Title IX process.

The determination will be sent simultaneously to the parties along with information to both parties regarding the process of filing an appeal.

Q. Appeals

Either party is permitted to file a written appeal of a determination regarding responsibility within ten (10) calendar days after receiving the written determination. The written appeal must be limited to 10 pages, double spaced, 12-point font. A party is permitted to appeal only based on the following grounds:

- Procedural irregularity that affected the outcome;
- New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome; or
- The Title IX personnel had a general or specific conflict of interest or bias that affected the outcome.

The appeal will be ruled on by campus administrator or other trained designee. The parties will be informed in writing of the outcome of any appeal within thirty (30) days of receipt of the appeal. The appeal decision is final. The determination regarding responsibility will become final either on the date that Blue Cliff College 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.

R. Time Frame for Completion of Entire Grievance Process

Generally, the grievance process consists of filing a Formal Complaint, investigation, hearing, determination (including sanctions and remedies as applicable) and appeal. The grievance process, barring extenuating circumstances, will conclude within ninety (90) days from the date a Formal Complaint is filed. However, the length of time will vary, making the grievance process shorter or longer depending on the complexity of the investigation, the severity and extent of the alleged Sexual Harassment, the quantity and availability of witnesses, and other factors of significance that may affect the length of the investigation. Any delay or extension of the grievance process will be temporary, limited and for good cause and Blue Cliff College shall notify the parties of the reason for any short-term delay or extension. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Blue Cliff College strongly encourages individuals to report incidents that may be violations of this policy as soon as possible to maximize Blue Cliff College's ability to respond promptly and equitably.

S. Recordkeeping

Blue Cliff College shall maintain records of Title IX activities as required by law, including records of:

- Sexual Harassment investigations, including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the school's education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom; and
- All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

Blue Cliff College shall create, and maintain for seven years, records of any actions (including any Supportive Measures) taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, Blue Cliff College shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the school's education program or activity. If Blue Cliff College does not provide a Complainant with Supportive Measures, Blue Cliff College will document the reasons why such a response was not clearly unreasonable in light of the known circumstances

T. Training

The Title IX Coordinator and all personnel involved in the Title IX process outlined in this policy shall be trained on:

- The definition of Sexual Harassment;
- The scope of the school's education program or activity;
- How to conduct an investigation and grievance process, including hearings, appeals, and informal resolution process, as applicable; and
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- Any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Any materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an informal resolution process, shall not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

Blue Cliff College shall publish all training materials on the applicable school website.

APPENDIX A

DEFINITIONS

“Actual Knowledge” means notice of Sexual Harassment or allegations of Sexual Harassment to Blue Cliff College’s Title IX Coordinator or any official of Blue Cliff College who has the authority to institute corrective measures on behalf of Blue Cliff College.

“Complainant” means:

1. A student or employee who is alleged to have been subjected to conduct that could constitute Sexual Harassment.

“Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that Blue Cliff College investigate the allegation of Sexual Harassment.

“Peer retaliation” means retaliation by a student against another student.

“Pregnancy or related conditions” means:

1. Pregnancy, childbirth, or termination of pregnancy; or
2. Recovery from pregnancy, childbirth, or termination of pregnancy.

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

“Retaliation” means intimidation, threats, coercion, or discrimination against any person by Blue Cliff College, a student, or an employee or other person authorized by Blue Cliff College to provide aid, benefit, or service under Blue Cliff College’s programs or activities, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

“Sexual Harassment” means conduct on the basis of sex that is:

1. *Quid pro quo harassment*. An employee, agent, or other person authorized by Blue Cliff College to provide an aid, benefit, or service under Blue Cliff College’s program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;
2. *Hostile environment harassment*. Unwelcome sex-based conduct that 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 Blue Cliff College’s education program or activity (i.e., creates a hostile environment).
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;
4. *Dating violence*. Violence committed by a person:
 - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

- ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - 1. The length of the relationship;
 - 2. The type of relationship; and
 - 3. The frequency of interaction between the persons 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 the family or domestic violence laws of the jurisdiction of the recipient, 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 family or domestic violence laws of the jurisdiction; or
- 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.

“Sex Discrimination” includes, but is not limited to:

- 1. Discrimination based on:
 - a. Sex
 - b. Pregnancy or related conditions; or
 - c. Sex in connection with parental, family, or marital status
- 2. Excluding from participation, denying benefits, or otherwise subjecting to discrimination any person based on sex in a manner that subjects them to more than de minimis harm, except with respect to:
 - a. Housing; and
 - b. Athletic teams.

“Student” means a person who has gained admission to Blue Cliff College.

“Supportive Measures” means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- 1. Restore or preserve that party's access to Blue Cliff College's education program or activity, including measures that are designed to protect the safety of the parties or Blue Cliff College's educational environment; or
- 2. Provide support during Blue Cliff College's grievance procedures or during an informal resolution process.