

Knox College has established a Policy Against Discrimination and Harassment (“Policy”) that articulates the College’s behavioral standards and descriptions of prohibited conduct. These Investigation and Resolution Procedures (the “Procedures”) apply to all suspected or alleged acts of discrimination and harassment.

I. OPTIONS FOR RESOLUTION

The College’s Resolution Procedures consists of multiple ways to resolve a complaint or report of sex discrimination, as outlined in more detail below.

A. INFORMAL RESOLUTION

To initiate Informal Resolution, a Reporting or Responding may make such a request to the Title IX Coordinator at any time prior to a final determination, or the Title IX Coordinator may offer the option to the Parties, verbally or in writing. The College will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

Before initiation of an Informal Resolution process, the College will provide the Parties with a written notice that explains:

- The allegations.
- The requirements of the Informal Resolution process.
- 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 College’s Resolution Process.
- That the Parties’ agreement to a resolution at the conclusion of the Informal Resolution process will preclude the Parties from initiating or resuming the Investigation and Resolution Procedures arising from the same allegations.
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties.
- What information the College will maintain, and whether and how it could disclose such information for use in its Investigation and Resolution Procedures

Any party participating in Informal Resolution can withdraw from the Informal Resolution process at any time prior to reaching an Informal Resolution agreement and initiate or resume the Resolution Process.

If an investigation is already underway, the Title IX Coordinator has sole discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

The College offers the following types of Informal Resolution:

1. Educational Conversation

The Complainant(s) may request that the Title IX Coordinator or designee address their allegations by meeting (with or without the Reporting Party) with the Responding Party(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Responding Party(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter, if it takes place. In light of this conversation, or the Responding Party's decision not to attend, the Title IX Coordinator or designee may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of the recurrence of any behaviors that may not align with Policy.

2. Agreement-Based Resolution

Agreement-Based Resolution is an alternative where the Parties each voluntarily agree to resolve the complaint in a way that does not include an investigation and does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. If the College offers Agreement-Based Resolution to the parties, and they voluntarily consent to engage in that process, the Title IX Coordinator must still take other prompt and effective steps as needed to ensure that sex discrimination does not continue or recur within the College's education program or activity.

The Title IX Coordinator must approve of the use of the Agreement-Based Resolution process and approve the final agreement between the parties. Agreement-Based Resolution may be initiated at any time prior to the release of the final determination. Because Agreement-Based Resolution does not involve an investigation, there is not any determination made as to whether a Responding Party violated this Policy. The process is described in more detail in Appendix A.

The Title IX Coordinator has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through an alternate process.

B. ACCEPTANCE OF RESPONSIBILITY

At any point in the proceedings, if a Responding Party elects to admit to the charged violations and waive further process, the Title IX Coordinator is authorized to accept

that admission, adopt it as the final determination, and collaborate with the appropriate sanctioning authority to administer sanctions. A Responding Party who accepts responsibility waives their right to appeal. If the Responding Party rejects the final determination/sanctions, or does not admit to all conduct charged, the Resolution Process continues to its conclusion. The Reporting Party retains their right to appeal a determination when a Responding Party admits responsibility.

C. FORMAL RESOLUTION

The College's Formal Resolution Process includes the following two investigation and decision-making procedures:

- Procedures covering all prohibited conduct matters **except for** sex-based harassment involving a student as a party; and
- Procedures covering sex-based harassment involving a student as a party.

Only one of the above procedures will apply to a complaint, and will be determined based on the nature of the complaint and the parties involved.

1. Investigation Procedures

The following investigation procedures will be used for formal resolution of all prohibited conduct.

a. Commencement and Timing

After the written notice of a Complaint is transmitted to the parties, the Title IX Coordinator, or an investigator selected by the Title IX Coordinator, will undertake an investigation to gather evidence relevant to the alleged Discrimination or Harassment, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the College and not with the parties. Although the length of each investigation may vary depending on the totality of the circumstances, the College strives to complete each investigation within thirty (30) to forty-five (45) business days of the transmittal of the written notice of the Complaint.

b. Fair Notice and Equal Opportunity

During the investigation, the investigator will provide advance written notice to a party of the date, time, location, participants, and purpose of all meetings and investigative interviews pertaining to that party, with sufficient time for the party to prepare to participate. The investigator will provide an equal opportunity for the parties to be interviewed, to identify witnesses and to present other inculpatory and exculpatory evidence.

Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible under “Inadmissible Evidence and Impermissible Questioning.” The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

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

c. Documentation of Investigation

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator’s notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator’s sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation, to the extent possible.

2. Investigation & Decision Making Procedures For All Prohibited Conduct EXCEPT Sex-Based Harassment Involving A Student Party

After the evidence gathering phase of the investigation is completed, the investigator will prepare a written investigation report that summarizes the investigation and including all the potentially admissible evidence that is relevant to the allegations in the Complaint, including both inculpatory and exculpatory evidence.

If the matter is not resolved informally and there is no acceptance of responsibility by the Respondent, a determination of whether the Policy was violated will be made by the Director of Title IX and Civil Rights Compliance or an assigned decision maker.

The decision maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and ensure that any credibility determinations

made are not based on a person's status as a Reporting Party, Responding Party, or witness. The decision maker will take care to exclude from consideration any evidence that the decision maker determines is inadmissible on the grounds explained in "Inadmissible Evidence and Impermissible Questioning." The decision maker will resolve disputed facts using the preponderance of the evidence standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policy as alleged in the Complaint. In the event the decision maker determines that the Responding Party is responsible for violating this Policy, the decision maker will, prior to issuing a written decision, consult with an appropriate College official with disciplinary authority over the Responding Party and such official will determine any sanctions to be imposed.

After reaching a determination the decision maker will prepare a written decision that will contain:

- A description of the alleged prohibited conduct.
- Information about the policies and procedures the College used to evaluate the allegations.
- The decision maker's evaluation of all relevant evidence and determination of whether the prohibited conduct occurred.
- When the decision maker finds that a policy violation occurred, sanctions determined by the appropriate College official and the process and grounds for appeal, as specified in "Appeal" are included.

Transmittal of the written decision to the parties concludes the adjudication process, subject to any right of appeal as specified in "Appeal." Any sanctions imposed will be stayed pending the completion of any appeal. Although the length of time needed to issue the written decision will vary depending on the totality of the circumstances, the College strives to issue the written decision within ten (10) business days of the completion of the investigation.

3. Investigation & Decision Making Procedures For Sex-Based Harassment Involving A Student Party

After the evidence gathering phase of the investigation is completed, the investigator will prepare a written investigation report that summarizes the investigation and append to it all the potentially admissible evidence that is relevant to the allegations in the Complaint, including both inculpatory and exculpatory evidence. The investigator will then notify the Title IX Coordinator that the investigation is complete and transmit the investigation report and its appended evidence to the Title IX Coordinator and to the parties.

The Title IX Coordinator will then appoint a decision maker whose responsibility it will be to adjudicate the Complaint. The decision maker may be the investigator or the Title IX Coordinator themselves, or other designee selected by the Title IX Coordinator.

The investigation report and its appended evidence will be transmitted to the decision maker. The decision maker will promptly send written notice to the parties notifying the parties of the decision maker's appointment; setting a deadline for the parties to submit a written response to the investigation report and its appended evidence which shall not be sooner than seven (7) business days from the date the investigator transmitted the investigation report; and setting a date and time for each party to meet with the decision maker separately. The decision maker's meetings with the parties will not be held any earlier than ten (10) business days from the date the investigator transmitted the investigation report to the parties.

a. Response to the Investigation Report

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

- To the extent the party wishes to respond to any aspect of the investigation report or evidence, any such response.
- A statement as to whether the party contends the credibility of the other party or any witness is in dispute; if so, how such credibility dispute is relevant in evaluating any of the allegations in the Complaint.
- A list of questions the party contends should be posed to the other party and any witnesses.
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration based on any one or more of the standards specified in "Inadmissible Evidence and Impermissible Questioning."
- Argument regarding whether any of the allegations in the Complaint are supported by a preponderance of the evidence.
- Argument regarding whether any of the allegations in the Complaint constitute Discrimination or Harassment.

While the party may receive assistance in preparing the written response, the written response must be submitted and signed by the party themselves or someone with legal authority to act on their behalf.

b. Meetings with Parties and Witnesses

After reviewing the parties' written responses to the investigation report, the decision maker will meet separately with each party to ask questions,

including questions posed by the other party, concerning the party's written response, the investigation report, and/or the evidence collected during the investigation, including questions that may bear on credibility. The decision maker may also meet with specific witnesses whose credibility is in dispute, and whose testimony is potentially relevant in evaluating any allegations in the Complaint, to pose questions that may bear on credibility.

When a Complaint includes Sex-Based Harassment allegations involving a Student Reporting Party or Student Responding Party, the individual meetings will be video and/or audio recorded. The decision maker will provide copies of the recordings, or transcripts of the recordings, to the parties. Each party will have seven (7) business days to review the recordings or transcripts and propose follow-up questions to be posed to the other party and/or witnesses. The decision maker will then meet promptly with parties and/or witnesses to pose follow-up questions, as deemed appropriate by the decision maker.

The decision maker will screen questions submitted by the parties to ensure they are clear, relevant, and not harassing, and will exclude questions and evidence that are inadmissible under "Inadmissible Evidence and Impermissible Questioning." The decision maker will give a party an opportunity to clarify or revise a question that the decision maker has determined is unclear or harassing and, if the advisor sufficiently clarifies or revises the question, the question will be posed.

c. Subjection to Questioning

In the event a party or witness who was interviewed during the investigation declines to meet with the decision maker or respond to questions that have been deemed relevant and not impermissible, the decision maker may consider the individual's statements, although the decision maker must consider whether the individual's failure to meet and/or respond to questions about their credibility should affect the weight to be given to such statement. The decision maker may choose to place less or no weight upon the individual's prior statements, provided that the decision maker may not draw an inference about whether prohibited behavior occurred based solely on a party's or witness' refusal to respond to questions.

d. Deliberation and Determination

After meeting with each party and any witnesses whose credibility is in dispute, the decision maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and ensure that any

credibility determinations made are not based on a person's status as a Reporting Party, Responding Party, or witness. The decision maker will take care to exclude from consideration any evidence that the decision-maker determines is inadmissible on the grounds explained in "Inadmissible Evidence and Impermissible Questioning." The decision maker will resolve disputed facts using a preponderance of the evidence standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policy as alleged in the Complaint.

In the event the decision maker determines that the Responding Party is responsible for violating this Policy, the decision maker will, prior to issuing a written decision, consult with an appropriate College official with disciplinary authority over the Responding Party and such official will determine any sanctions to be imposed. The decision maker will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Reporting Party and other persons, as appropriate. The decision maker may seek legal advice from the College's in-house or outside counsel.

e. Written Decision

After reaching a determination and consulting with the appropriate College official and Title IX Coordinator, as necessary, the decision maker will prepare a written decision that will include:

- A description of the alleged prohibited conduct.
- Information about the policies and procedures the College used to evaluate the allegations.
- The decision maker's evaluation of all relevant evidence and determination of whether prohibited conduct occurred.
- When the decision maker finds that prohibited conduct occurred, sanctions determined by the appropriate College official.
- Whether the Reporting Party, Responding Party, or, to the extent appropriate, other persons, will receive any ongoing Supportive Measures or other remedies as determined by the Title IX Coordinator.
- A description of the College's process and grounds for appeal, as specified in "Appeal."

The decision maker will transmit the written decision to the Title IX Coordinator and the parties. Transmittal of the written decision to the parties

concludes the adjudication process, subject to any right of appeal as specified in “Appeal.” Any discipline imposed will be stayed pending the completion of any appeal.

Although the length of time needed to issue the written decision will vary depending on the totality of the circumstances, the College strives to issue the decision maker’s written decision within thirty (30) business days of the decision maker’s appointment.

II. SANCTIONS & CORRECTIVE ACTION

The College will take reasonable steps to prevent the recurrence of any violations of the Policy and to correct the discriminatory effects on the Complainant (and others, if appropriate). The sanctions and corrective actions that may be imposed for any violation of this Policy include but are not limited to:

- Verbal warning for employees
- Written warning for employees
- Probation for students
- Suspension for students
- Mandatory discrimination or harassment training or education
- Mandatory Counseling
- Technology/Equipment/Resource access restrictions
- College campus access restrictions
- Change in assigned duties and/or committee assignments
- Leave of absence for employees
- Termination of employment with the College

Corrective actions taken by the College might also include, but are not limited to: providing and/or requiring appropriate forms of counseling and training, developing educational materials and programming, implementation of revised policies and procedures, undertaking climate surveys and other mechanisms to identify and address patterns of violations. Additional corrective actions for a Complaint may include, but are not limited to, support services and accommodations such as escorts, counseling and medical services, academic or residential accommodations and support.

In instances where the College is unable to take disciplinary or other corrective action in response to a reported violation, the College will consider other steps available to limit the effects of the conduct at issue and prevent its recurrence, such as the continuation of supportive measures, training and education.

A Reporting Party will be informed of the outcome of the investigation, but may not be informed specifically of all sanctions or other remedial action.

III. APPEAL

Either party may appeal the written decision of an adjudication, or a dismissal of a Complaint, on one or more of the following grounds:

- A procedural irregularity that would change the determination of whether a Policy violation occurred.
- There is new evidence that would change the outcome of the matter and that was not reasonably available at the time the determination of whether the Policy was violated occurred or dismissal was made.
- The sanction is disproportionate to the violation.
- The Title IX Coordinator, investigator, or decision maker, as the case may be, had a conflict of interest or bias for or against Reporting Parties or Responding Parties generally, or against the individual Reporting Party or Responding Party, that would change the outcome.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) business days of the date they receive notice the written decision or dismissal appealed from or, if the other party appeals, within seven (7) business days of receiving notice that the other party has appealed, whichever is later. The appeal must be submitted in writing to the Title IX Coordinator. The appeal must specifically identify the written decision and/or dismissal appealed from, articulate which one or more of the four grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the Title IX Coordinator will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the Title IX Coordinator determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the Title IX Coordinator will dismiss the appeal and provide written notice of the same to the parties.

If the Title IX Coordinator confirms that the appeal is timely and invokes at least one permitted ground for appeal, the Title IX Coordinator will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) business days.

Upon receipt of any opposition, or after the time for submission of an opposition has passed without one being filed, the Title IX Coordinator will transmit the appeal(s) and any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal to the College designated appeals officer. The appeal officer will promptly decide the appeal and transmit a written decision to the parties and the Title IX Coordinator that explains the outcome of the appeal and the rationale.

The determination of a Complaint, including any sanctions, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the College strives to issue the appeal officer's written decision within seven (7) business days of an appeal being transmitted to the appeals officer.

IV. ADVISOR OF CHOICE AND OTHER ACCOMPANYING PERSONS

From the point a Complaint is made that alleges prohibited conduct and a Student Reporting Party or Student Responding Party, and until an investigation, adjudication, and appeal are complete, the Reporting Party and Responding Party in such a case will have the right to be accompanied by an advisor of their choice to all meetings and interviews that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.

The advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with the College about the matter without the party being included in the communication. In the event a party's advisor of choice engages in material violation of the parameters specified in this Policy, the College may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

The College is not required to provide a party with an advisor in any circumstance. For this reason, the College may prohibit its employees from serving as advisors where such service would interfere with the employee's work or other obligations to the College or where such employee's service would create a conflict of interest.

As a general matter, the advisor described in this section is the only person who may accompany a party to meetings and interviews. To the extent the College deviates from this

rule and allows a party to be accompanied by one or more persons in addition to an advisor, the same right shall be extended to the other party.

V. INADMISSIBLE EVIDENCE AND IMPERMISSIBLE QUESTIONING

During the investigation and adjudication processes, questioning and evidence of the following subject matters are inadmissible and impermissible:

- Evidence that is protected under a privilege as recognized by federal, state, or local law, or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- A party's records that are maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party, unless the College obtains that party's voluntary, written consent for use in the College's investigation and adjudication process.
- The Reporting Party's sexual interests or prior sexual conduct unless such questions and/or evidence is offered to prove that someone other than the Responding Party committed the alleged conduct or is offered to prove consent with evidence concerning specific incidents of the Reporting Party's prior sexual conduct with the Responding Party. The fact of prior consensual sexual conduct between the Reporting Party and Responding Party does not demonstrate or imply the Reporting Party's consent to the alleged Discrimination or Harassment or preclude a determination that Discrimination or Harassment occurred.

APPENDIX A: AGREEMENT-BASED INFORMAL RESOLUTION

Initiating the Agreement-Based Resolution Process

Prior to the initiation of Agreement-Based Resolution, the Title IX Coordinator will provide the Parties written notice that includes:

1. The specific allegation and the specific conduct that is alleged to have occurred;
2. The requirements of the Agreement-Based Resolution process;
3. Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether the College could disclose such information for use in a future Resolution Process, including an investigation and Resolution Process arising from the same or different allegations, as may be appropriate;
4. Notice that an agreement resulting from the Agreement-Based Resolution process (an Agreement) is binding only on the parties and is not subject to appeal;
5. Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations;
6. A statement indicating that the decision to participate in the Agreement-Based Resolution process does not presume that the conduct at issue has occurred;
7. A statement that the Respondent is presumed not responsible for violating this Policy, unless Respondent admits to violations of this Policy;
8. An explanation that all parties may be accompanied by an Advisor of their choice, who may be a parent, colleague, friend, or attorney;
9. A statement that any party has the right to withdraw from the Agreement-Based Resolution process and initiate or resume investigation and resolution procedures at any time before agreeing to a resolution;
10. Information regarding Supportive Measures, which are available equally to the parties; and
11. The potential terms that may be requested or offered in an Agreement-Based Resolution Agreement.

Facilitating an Agreement

If all Parties are willing to explore Agreement-Based Resolution, the Title IX Coordinator will then meet separately with each party to discuss the Agreement-Based Resolution process and facilitate an Agreement.

If an agreement cannot be reached, either because the Parties do not agree, determine they no longer wish to participate in the Agreement-Based Resolution process, or the Title IX Coordinator does not believe that the terms of the Agreement or continuing the Agreement-Based Resolution process is appropriate, the Title IX Coordinator may decide that the reported conduct will instead be addressed through the Investigation and Resolution Process.

The Title IX Coordinator will inform the parties of such a decision, in writing.

Agreement-Based Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against Reporting and/or Responding Parties generally or regarding the specific parties in the matter. The Title IX Coordinator may serve as the facilitator, subject to these restrictions. Investigators or Decision Makers for the matter may not facilitate an Agreement-Based Resolution in that same matter.

Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

- One of the parties will change classes or housing assignments;
- The Parties will not communicate or otherwise engage with one another;
- Completion of a training or educational project by the Respondent;
- Engage in a restorative justice process or facilitated dialogue;

To facilitate Agreement-Based Resolution, information shared by any party will not be used in any related Resolution Process of the same complaint under this policy. No evidence concerning the allegations obtained within the Agreement-Based Resolution process may be disseminated to any outside person, provided that any party to the Agreement-Based Resolution process may generally discuss the allegations under investigation with a parent, Advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an Agreement-Based Resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

Finalizing the Resolution Agreement

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator, the matter will be considered closed, and no further action will be taken. Once an Agreement is signed, no appeal is permitted. The Agreement-Based Resolution process is generally expected to be completed within twenty-one (21) business days and may be extended by the Title IX Coordinator as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

Records of an Agreement-Based Resolution process can be shared with other offices as appropriate. Any violations of the terms of the Resolution Agreement may result in disciplinary action.