



Subject:	Title IX Policy- 2024		
Applies To:	All Campus Members	Revision:	3
Effective Date:	August 1, 2024	Approved By:	Cabinet, July 23, 2024

Policy Statement

Title IX of the Education Amendments of 1972 provides:

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.

It is the policy of LaGrange College to maintain an environment that is free of all forms of discrimination on the basis of sex-based harassment in any education program or activity whether or not such program or activity is offered or sponsored by the College including admission and employment.

This Policy prohibits all forms of discrimination on the basis of sex and sex-based harassment, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. This Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in any matter related to this Policy. All the foregoing conduct shall be referred to as “Prohibited Conduct.”

LaGrange College will take prompt and equitable action to eliminate the Prohibited Conduct (if any), prevent its recurrence, and remedy its effects. In addition, LaGrange College will fulfill its obligations under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) in response to reported Prohibited Conduct. Students, employees, or third parties who are found to have violated this Policy may face disciplinary action Institution to and including expulsion (students) or termination of employment or contractual relationship (employees or third-party contractors).

Inquiries about Title IX may be referred to the LaGrange College Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both. LaGrange College’s Title IX

Coordinator is Dr. Maranah Sauter, 238 Smith Hall, titleix@lagrange.edu , 706 880-8201.

LaGrange College also prohibits other forms of discrimination and harassment as described in the LaGrange College Nondiscrimination and Anti-Harassment Policy located on Panthernet under College Policies.

Scope of Policy

This Policy applies to all reports of Prohibited Conduct reported on or after August 1, 2024. Where the date of the Prohibited Conduct precedes August 1, 2024, the definitions and process set forth in the 2020 Title IX regulations will be used.

Nothing in this Policy or Title IX derogates any legal right of a parent, guardian, or other authorized legal representative to act on behalf of a Complainant, Respondent, or other person, including but not limited to making a Complaint through LaGrange College's grievance procedures for Complaints of sex discrimination.

A possible violation of the Policy is handled through an administrative process. A Complainant may also pursue criminal or civil legal recourse concurrently. One is not dependent on another.

Persons Covered by the Policy

LaGrange College has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students (including applicants for admission and admitted students), employees, or other individuals who are participating, or attempting to participate, in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

LaGrange College strongly encourages reports of Prohibited Conduct regardless of who engaged in the conduct.

Locations Covered by the Policy

This Policy applies to all sex discrimination occurring under LaGrange College's education program or activity in the United States. This conduct that occurs under LaGrange College's education program or activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by LaGrange College and conduct that is subject to LaGrange College's disciplinary authority. LaGrange College has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside of LaGrange College's education program or activity or outside of the United States.

Definitions

Admission means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by LaGrange College.

Complainant means:

(1) 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

(2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part and who was participating or attempting to participate in LaGrange College's education program or activity at the time of the alleged sex discrimination.

Complaint means an oral or written request to LaGrange College that objectively can be understood as a request for LaGrange College to investigate and make a determination about alleged discrimination under Title IX or this part.

Confidential employee means:

(1) An employee of LaGrange College whose communications are privileged or confidential under Federal or State law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;

(2) An employee of LaGrange College who LaGrange College has designated as confidential under this part for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services; or

(3) An employee of a postsecondary institution who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee's confidential status is only with respect to information received while conducting the study.

Department means the Department of Education.

Disciplinary sanction means consequences imposed on a Respondent following a determination under Title IX that the Respondent violated LaGrange College's prohibition on sex discrimination.

Federal financial assistance means any of the following, when authorized or extended under a law administered by the Department a grant or loan of Federal financial assistance, including funds made available for: (i) the acquisition, construction,

renovation, restoration, or repair of a building or facility or any portion thereof; and (ii) Scholarships, loans, grants, wages, or other funds extended to any entity for payment to or on behalf of students admitted to that entity, or extended directly to such students for payment to that entity.

Parental status, as used in §§ 106.21(c)(2)(i), 106.37(a)(3), 106.40(a), and 106.57(a)(1), means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is a biological parent; an adoptive parent; a foster parent; a stepparent; a legal custodian or guardian; in loco parentis with respect to such a person; or actively seeking legal custody, guardianship, visitation, or adoption of such a person.

Party means a Complainant or Respondent.

Peer retaliation means retaliation by a student against another student.

Pregnancy or related conditions means pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Program or activity and *program* mean all of the operations of an institution.

Relevant means related to the allegations of sex discrimination under investigation as part of the grievance procedures under § 106.45, and if applicable § 106.46. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a Decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a Complainant or any other person LaGrange College identifies as having had their equal access to the College's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to LaGrange College's education program or activity after LaGrange College determines that sex discrimination occurred.

Respondent means a person who is alleged to have violated the College's prohibition on sex discrimination.

Responsible Employee means any employee with the obligation to report sexual harassment or sexual discrimination or the responsibility to inform a student how to report sexual harassment. LaGrange College requires that all Responsible Employees MUST report any possible sexual harassment or discrimination based on sex to the Title IX Coordinator. A Responsible Employee is any employee who is not a confidential employee.

Responsible Employee obligations:

1. When a student, or a person who has a legal right to act on behalf of the student, informs a Responsible Employee of the student's pregnancy or related conditions, the employee must promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the College's education program or activity.
2. Notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX.

Retaliation means intimidation, threats, coercion, or discrimination against any person by LaGrange College, a student, or an employee or other person authorized by LaGrange College to provide aid, benefit, or service under LaGrange College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this part, 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 this part, including in an Informal Resolution process under § 106.44(k), in grievance procedures under § 106.45, and if applicable § 106.46, and in any other actions taken by LaGrange College under § 106.44(f)(1). Nothing in this definition or this part precludes LaGrange College from requiring an employee or other person authorized by LaGrange College to provide aid, benefit, or service under LaGrange College's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this part.

Sex-based harassment prohibited by this part is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the bases described in § 106.10, that is:

(1) *Quid pro quo harassment*. An employee, agent, or other person authorized by LaGrange College to provide an aid, benefit, or service under the College's education 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, 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 LaGrange College's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the Complainant's ability to access LaGrange College's education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within LaGrange College's education program or activity, previous interactions, and other factors about each party that may be

- relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in LaGrange College's education program or activity; or

(3) *Specific offenses.*

- Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- Dating violence meaning violence committed by a person
 - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of the interaction between the persons involved in the relationship.
- Domestic violence meaning felony or misdemeanor crimes committed by a person who:
 - Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of LaGrange College, or a person similarly situated to a spouse of the victim;
 - Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - Shares a child in common with the victim; or
 - 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
- Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for the person's safety or the safety of others; or
 - Suffer substantial emotional distress.

Crime Definitions from the National Incident-Based Reporting System (NIBRS) User Manual
(From the Federal Bureau of Investigation Uniform Crime Reporting Program Sex Offenses)

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. *Fondling* - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

C. *Statutory Rape* - Sexual intercourse with a person who is under the statutory age of consent.

Student means a person who has gained admission.

Student with a disability means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705(9)(B), (20)(B), or a child with a disability as defined in the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3).

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 Lagrange College's education program or activity, including measures that are designed to protect the safety of the parties or LaGrange College's educational environment; or

(2) Provide Supportive Measures during LaGrange College's grievance procedures under § 106.45, and if applicable § 106.46, or during the Informal Resolution process under § 106.44(k).

Title IX means Title IX of the Education Amendments of 1972 (Pub. L. 92-318; 20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688, 1689), as amended.

Additional Policy Definitions

Transgender refers to a person whose sex assigned at birth differs from their gender identity.

Gender identity describes an individual's sense of their gender, which may or may not be different from their sex assigned at birth.

Sexual orientation describes the sex of a person to whom another person is attracted.

Sex stereotype means fixed or generalized expectations regarding a person's aptitudes, behavior, self-presentation, or other attributes based on sex.

Sex characteristics refer to physiological sex-based characteristics. Sex discrimination based on a person's physiological sex characteristics may include discrimination based on a person's anatomy, hormones, and chromosomes associated with male or female bodies. This could also include discrimination based on intersex traits.

Decisionmaker- means an individual either internal or external to the College who has been trained and given the authority, under grievance procedure § 106.45 or § 106.46, to make a decision regarding the relevance and credibility of the evidence gathered by LaGrange College.

Informal Resolution Facilitator means an individual either internal or external to the College who has been trained and given authority to facilitate between the Complainant and Respondent mutually agreed upon conditions to resolve a matter than might reasonably constitute sex discrimination under Title IX using the Informal Resolution process. The conditions must also be acceptable to the College.

Appeals Officer means an individual either internal or external to the College who has been trained and given authority to review and make decisions on appeals.

Advisor for the purposes of this Policy means any person of the Respondent or the Complainant's choosing to serve as the Advisor for the Title IX process. This person may be an attorney but does not have to be. The Advisor has specific responsibilities and requirements for participation in the process which are outlined in the section on Rights of the Respondent and Complainant. A Confidential Employee cannot be appointed by LaGrange College to be an Advisor for the Complainant or Respondent; however, a Confidential Employee can choose to be an Advisor if so requested by either the Complainant or Respondent.

Business Day(s) refers to a Business Day or Business Days in which LaGrange College is open for business. This is generally Monday through Friday, from 8:00 a.m. until 5:00 p.m. and excludes weekends, holidays, designated closures including but not limited to weather delays and closures.

Consent for the purposes of this Policy means that agreement to an activity is knowingly and freely given and communicated, through words or actions, to create a mutual understanding regarding the conduction of sexual activity.

Elements of consent include:

1. Consent is not valid when it involves:
 - a. Physical force, threats, or intimidation;
 - b. Minors under the age of consent,
 - c. Persons whose mental disabilities prohibit sound judgment;
 - d. Persons physically or mentally incapacitated, either voluntarily or involuntarily, as a result of alcohol or other drug consumption; and
 - e. Individuals who are unconscious, unaware, or otherwise physically incapacitated.
2. Silence cannot be interpreted as consent.
3. Lack of consent may also be communicated through the use of non-verbal expressions or actions indicating resistance.
4. Consent may be withdrawn at any time; consent may be offered at any time.
5. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

6. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent.

Force means the use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by force is not valid.

For the use of force to be demonstrated, there is no requirement that a Complainant resists the sexual advance or request. However, evidence of resistance by the Complainant will be viewed as a clear demonstration of a lack of consent.

Coercion means the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual's will. Consent cannot be obtained through coercion.

Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include, but are not limited to:

- Threatening to out someone based on sexual orientation, gender identity, or gender expression or
- Threatening to harm oneself if the other party does not engage in the sexual activity. or
- When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive.

LaGrange College will evaluate the following in determining whether coercion was used:

1. The frequency of the application of pressure,
2. The intensity of the pressure,
3. The degree of isolation of the person being pressured, and
4. The duration of the pressure.

Incapacitation means a physical or mental state in which an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless. Examples of incapacitation include, but are not limited to, individuals who:

- Are asleep; or
- Are unconscious; or
- Are unaware that sexual activity is occurring; or
- Cannot understand the nature of the activity or communicate due to a mental or physical condition; or
- Are under the influence of alcohol, drugs or other medication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation.

The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's:

1. Decision-making ability;
2. Awareness of consequences;
3. Ability to make informed judgments; or
4. Capacity to appreciate the nature and the quality of the act.

It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; (c) the Complainant was unable to communicate due to a mental or physical condition.

Whether the Respondent reasonably knew or should have known that the Complainant was incapacitated will be evaluated using an objective reasonable person standard. The fact that the Respondent was actually unaware of the Complainant's incapacity is irrelevant to this analysis. In particular, consent could not occur when:

- The Respondent failed to appreciate the Complainant's incapacitation or;
- The Respondent failed to take reasonable steps to determine the Complainant's incapacitation or;
- The Respondent's own incapacitation (from alcohol or drugs) caused the Respondent to misjudge the Complainant's incapacity.

It is the responsibility of each Party to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all Parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.

Privacy means that information related to a report of Prohibited Conduct will only be shared with a limited circle of individuals who "need to know" in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process to the extent permitted by law.

LaGrange College is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports and Formal Complaints under this Policy. LaGrange College also is committed to assisting students, employees, and third Parties in making informed choices. With respect to any report or Complaint under this Policy, LaGrange College

will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

Confidentiality means that information shared by an individual with designated campus or community professionals will not be revealed to any other individual without the expressed permission of the individual. If a Complainant or Respondent is a student with a disability, the Title IX Coordinator may consult, as appropriate, with the individual or office that LaGrange College has designated to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation act of 1973. An individual who seeks confidential assistance may do so by speaking with professionals who have legally protected confidentiality. (See the section on Resources for how to report confidentially.)

Third-Party refers to any other participant in the process, including a witness or an individual who makes a report on behalf of a Complainant or Respondent.

Immunity for Victims

LaGrange College encourages the reporting of conduct violations and crimes that occur on campus or against LaGrange College's students and its employees. An individual might be hesitant to report a crime to a LaGrange College official for fear of being charged with a policy violation themselves (i.e., underage drinking at the time of a sexual assault). It is in the best interest of the LaGrange College community that all individuals subjected to possible crimes report the incident to a College official. To encourage reporting, LaGrange College offers victims of crimes, and may offer those who assist victims of crimes, amnesty from LaGrange College policy violations related to the incident. Such amnesty is given at the discretion of the Vice President for Student Experience or their designee. (See Student Handbook.)

Reporting Options and Resources

On-Campus Reporting Options

LaGrange College requires that all Responsible Employees **MUST** report any possible sexual harassment or discrimination based on sex to the Title IX Coordinator. A Responsible Employee is anyone who is not a confidential employee.

Responsible Employee obligations:

- Notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX.
- When a student, or a person who has a legal right to act on behalf of the student, informs a Responsible Employee of the student's pregnancy or related conditions, the employee must promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX

Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to LaGrange College's education program or activity.

- Responsible employees can use the attached brochure to assist complainants in contacting the Title IX Coordinator.

Title IX Coordinator and Deputy Coordinators

LaGrange College has designated the following individuals to serve in an official capacity regarding Title IX reporting.

Name	Title IX Position	Office	Phone	Email
Maranah Sauter	Coordinator	Smith 238	706 880-8201	titleix@lagrange.edu
Laurie Ragan	Deputy Coordinator	Quillian 201	706 880-8277	lragan@lagrange.edu

The Title IX Coordinator, assisted by the Deputy Coordinator is responsible for coordinating LaGrange College's compliance with its obligations under Title IX and this part. The Title IX Coordinator, when notified of conduct that reasonably may constitute sex discrimination under Title IX or this part, must take the following actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects:

- treat the Complainant and Respondent equitably;
- offer and coordinate Supportive Measures, as appropriate, for the Complainant. In addition, if LaGrange College has initiated grievance procedures under § 106.45, and if applicable § 106.46, or offered an Informal Resolution process to the Respondent, offer and coordinate Supportive Measures, as appropriate, for the Respondent;
- notify the Complainant or, if the Complainant is unknown, the individual who reported the conduct, of the grievance procedures under § 106.45 for discrimination based on sex, and if applicable § 106.46 for sex-based harassment, and the Informal Resolution process, if available and appropriate;
- If a Complaint is made, notify the Respondent of the grievance procedures under § 106.45, and if applicable § 106.46, and the Informal Resolution process, if available and appropriate;
- In response to a Complaint, initiate the grievance procedures under § 106.45, and if applicable § 106.46, or the Informal Resolution process, if available and appropriate and requested by all parties;
- 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, determine whether to initiate a Complaint of sex discrimination that complies

with the grievance procedures under § 106.45, and if applicable § 106.46.

- Record keeping documenting actions taken to meet LaGrange College's obligations under sec. 106.44.
- Coordinate actions to prevent discrimination and ensure equal access.
 - 106.40 (3)
- Coordinated education and prevention efforts
- Report crimes to the Clery Administrator for reporting in the Annual Security Report (ASR)

Confidential Reporting on Campus

The confidential resources available to individuals on campus are:

Ratoya Mason - Director of Counseling - Smith Hall 218- for students (706-880-8177)

rmason3@lagrange.edu

Roselyn Arnold - Assistant Director of Counseling- Smith Hall 216- for students

rjarnold@lagrange.edu

Ashley Jenkins - Chaplain – for students and employees ajenkins@lagrange.edu

When a student, employee, or a person who has the legal right to act on behalf of the student, informs a Confidential Employee about conduct that reasonably may constitute sex discrimination under Title IX, the employee must promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the person's equal access to LaGrange College's education program or activity.

A confidential report is required by state law to notify child protective services and/or local law enforcement of suspected abuse of a minor under the age of 18 years of age.

Those in positions designated as Confidential Reporters have a duty to report incidents of sexual misconduct for the purposes of reporting numbers for the Annual Security Report (ASR) but are not obligated to report the details of the incidents including the names of potential Complainants or Respondents except as required by their license and professional ethics.

Law Enforcement Reporting Options On and Off Campus

Complainants have the right to notify or decline to notify law enforcement. LaGrange College strongly encourages all individuals to seek assistance from law enforcement immediately after an incident of sexual misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. LaGrange College will assist any College community member in securing a safe place to go and assist in coordination with law enforcement, and information about on-campus and off-campus resources and options for resolution.

Campus Security has officers on duty twenty-four (24) hours a day. Crimes or other emergencies may be reported by calling:

Emergency Assistance	911
Local Dispatch (non-emergency)	706-883-2603
Campus Security Office	706-880-8911
City of LaGrange Police	707-883-2603

If you do not wish to make a report to the police, you are still encouraged to seek professional medical advice.

Additional Off-Campus Confidential Reporting Options

Harmony House Women’s Shelter- (LaGrange, GA): 24/7 hotline 706-885-1525/ General 706-882-4173

Sexual Assault Support Center. Inc. (Columbus, GA): Crisis Line 706-572-6010 / General 706-221-1033

West GA Rape Crisis Center (Carrollton, GA): Crisis line 770-834-7273 / General 770-834-8905

National Domestic Violence Hotline: 1-800-799-7233 (SAFE)

Domestic Abuse Helpline for Men & Women: 888-7HELPLINE (888-743-5754)

Supportive Measures

The Title IX Coordinator offers and coordinates Supportive Measures for the Complainant. In addition, if LaGrange College has initiated grievance procedures under § 106.45, and if applicable § 106.46, or offered an Informal Resolution process to the Respondent, the Title IX Coordinator will offer and coordinate Supportive Measures, as appropriate, for the Respondent.

For allegations of sex discrimination other than sex-based harassment or retaliation, a LaGrange College provision of Supportive Measures does not require LaGrange College, its employee, or any other person authorized to provide aid, benefit, or service on the College’s behalf to alter the alleged discriminatory conduct for the purpose of providing a Supportive Measure.

Supportive Measures may vary depending on what LaGrange College deems to be reasonably available. These measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus

escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

Supportive Measures must not unreasonably burden either party and must be designed to protect the safety of the parties or LaGrange College's educational environment, or to provide Supportive Measures during LaGrange College's grievance procedures under § 106.45, and if applicable § 106.46, or during the Informal Resolution process under § 106.44(k). LaGrange College does not impose such measures for punitive or disciplinary reasons.

LaGrange College may, as appropriate, modify or terminate Supportive Measures at the conclusion of the grievance procedures under § 106.45, and if applicable § 106.46, or at the conclusion of the Informal Resolution process under paragraph (k) of this section, or LaGrange College may continue them beyond that point.

LaGrange College will provide a Complainant or Respondent with a timely opportunity to seek, from an appropriate and impartial employee (Supportive Measure Review Administrator) modification or reversal of the College's decision to provide, deny, modify, or terminate Supportive Measures applicable to them. The SMRA is someone other than the employee who made the challenged decision and has authority to modify or reverse the decision, if the SMRA determines that the decision to provide, deny, modify, or terminate the Supportive Measures was inconsistent with the definition of Supportive Measures in § 106.2. LaGrange College must also provide a party with the opportunity to seek additional modification or termination of a Supportive Measures applicable to them if circumstances change materially.

LaGrange 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, when an exception in § 106.44(j)(1) through (5) applies, or other limited exceptions.

If the Complainant or Respondent is a postsecondary student with a disability, the Title IX Coordinator may consult, as appropriate, with the individual or office that LaGrange College has designated to provide Supportive Measures 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.

All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by a Supportive Measure. LaGrange College will take immediate and responsive action to enforce a previously implemented Supportive Measure.

Emergency Removal

Nothing in this Policy precludes LaGrange College from removing a Respondent from the College's education program or activity on an emergency basis, provided that the College undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

In the event that an Emergency Removal is enacted, the Respondent has the opportunity to submit in writing a challenge to the emergency removal. The challenge to the emergency removal must contain all information, documentation, and evidence that the Respondent wants to have considered in requesting to remain on campus. The Title IX Coordinator will receive the written materials and will provide this to the Appeal Officer. The Appeal Officer is separate from Title IX Investigators, Title IX Coordinator, Title IX Deputy Coordinator and Decisionmaker. The Appeal Officer will review all materials and determine if the Emergency Removal is in the best interest of the Complainant and/or the Respondent and/or is in the best interest of the safety of the campus community. The Appeal Officer's decision is final and binding regarding the Emergency Removal.

Administrative Leave

Nothing in this Policy precludes LaGrange College from placing an employee Respondent on administrative leave from employment responsibilities during the pendency of this process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990.

INSTITUTION'S GRIEVANCE PROCESSES

Complainant

The following people have a right to make a Complaint of sex discrimination, including Complaints of sex-based harassment, requesting that LaGrange College investigate and make a determination about alleged discrimination under Title IX:

- A "Complainant," which includes:
 - a student or employee of LaGrange College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX;
 - or
 - a person other than a student or employee of LaGrange College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in LaGrange College's education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or

- LaGrange College's Title IX Coordinator.

A person is entitled to make a Complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a Complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

With respect to Complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a Complaint:

- Any student or employee of LaGrange College.
- Any person other than a student or employee who was participating or attempting to participate in LaGrange College's education program or activity at the time of the alleged sex discrimination.

LaGrange College may consolidate Complaints of sex discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references below to a party, Complainant, or Respondent include the plural, as applicable.

General Principles

LaGrange College will treat Complainants and Respondents equitably.

No Title IX Coordinator, Deputy, Investigator, or Decisionmaker will have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

Respondent is presumed not responsible for the alleged sex discrimination until a determination is made at the conclusion of the LaGrange College grievance procedures.

LaGrange College has established the following timeframes for the major stages of the grievance procedures: evaluation- no more than ten business days (*i.e.*, the decision whether to dismiss or investigate a Complaint); investigation- no more than 40 business days; determination- no more than ten business days; and appeal, if any,- no more than 20 business days.

LaGrange College has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. Title IX Coordinator or Investigator(s) will notify the parties in writing as to the reason for the delay and expected timeframe for completing that stage of the process.

LaGrange College will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, Confidential Employee, or Advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

LaGrange College can address false statements by initiating a disciplinary process under the appropriate Code of Conduct governing the individual as long as there is evidence independent of the determination whether sex discrimination occurred.

Evidence

LaGrange College will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by LaGrange College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State 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 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 LaGrange College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- 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.

Dismissal of a Complaint:

LaGrange College may dismiss a Complaint of sex discrimination if:

- LaGrange College is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in LaGrange College's education program or

activity and is not employed by LaGrange College.

- The Complainant voluntarily withdraws any or all the allegations in the Complaint, (if under 106.46, withdrawal must be in writing) the Title IX Coordinator declines to initiate a Complaint, and LaGrange College determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX even if proven: or
- LaGrange College determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the Complaint, LaGrange College will make reasonable efforts to clarify the allegations with the Complainant.

LaGrange College will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then LaGrange College will also notify the Respondent of the dismissal and the basis for the dismissal promptly following notification to the Complainant, or simultaneously if notification is in writing. Notification under 106.46(d) must be in writing.

LaGrange College will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then LaGrange College will also notify the Respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, Deputy Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

If the dismissal is appealed, LaGrange College will:

- Notify the parties of any appeal, including notice of the original allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the Decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint;
- Ensure that the Decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in supportive of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a Complaint is dismissed, LaGrange College will, at a minimum:

- Offer Supportive Measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within LaGrange College's education program or activity.

Informal Resolution

At any time prior to determining whether sex discrimination occurred under § 106.45, and if applicable sex-based harassment under § 106.46, LaGrange College may offer to a Complainant and Respondent an Informal Resolution process, unless such a process would conflict with Federal, State or local law. LaGrange College, to the extent necessary, also requires its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within LaGrange College's education program or activity.

LaGrange College has discretion to determine whether it is appropriate to offer an Informal Resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX and may decline to offer Informal Resolution despite one or more of the parties' wishes. Circumstances when LaGrange College may decline to allow Informal Resolution include, but are not limited to, when LaGrange College determines that the alleged conduct would present a future risk of harm to others.

LaGrange College will not require or pressure the parties to participate in an Informal Resolution process. LaGrange College must obtain the parties' voluntary consent to the Informal Resolution process and must not require waiver of the right to an investigation and determination of a Complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.

Before initiation of an Informal Resolution process, LaGrange College must provide to the parties notice that explains:

- (i) the allegations;
- (ii) the requirements of the Informal Resolution process;
- (iii) that, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume LaGrange College's grievance procedures;
- (iv) 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;
- (v) 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
- (vi) informal resolution information will be shared with and maintained by the Title IX Coordinator but will not be part of the disciplinary record.

Potential terms that may be included in an Informal Resolution agreement include but are not limited to:

(i) restrictions on contact; and

(ii) restrictions on the Respondent's participation in one or more of LaGrange College's programs or activities or attendance at specific events, including restrictions LaGrange College could have imposed as remedies or disciplinary sanctions had LaGrange College determined at the conclusion of the College's grievance procedures that sex discrimination occurred.

The facilitator for the Informal Resolution process must not be the same person as the investigator or the Decisionmaker in LaGrange College's grievance procedures. Any person designated by LaGrange College to facilitate an Informal Resolution process must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. Any person facilitating Informal Resolution must receive training under § 106.8(d)(3).

At the conclusion of an Informal Resolution, and Informal Resolution receipt of official notification via LaGrange College email, the Complainant and the Respondent have 2 (two) Business Days to change their mind about the resolution of the case. If either the Complainant or the Respondent changes their mind regarding the agreed Informal Resolution, they must do so in writing and submit it to the Title IX Coordinator. Should the Party's request not be received in writing (including electronically) or does not submit within 2 (two) Business Days, the Informal Resolution will be considered final and binding.

GRIEVANCE PROCEDURE – SEC. 106.45 – Sex Discrimination

Scope

- Applies to sex discrimination complaints that are not sex-based harassment and sex-based harassment without a student party.

Written Notice of Allegations:

If LaGrange College initiates the Title IX grievance procedure under sec. 106.45, LaGrange College will notify the parties of the following:

- Title IX grievance procedure under Sec. 106.45 and any Informal Resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.

If, in the course of an investigation, LaGrange College decides to investigate additional

allegations of sex discrimination by the Respondent toward the Complainant that are not included in the notice provided or that are included in a Complaint that is consolidated, LaGrange College will notify the parties of the additional allegations.

Investigation:

LaGrange College will provide for adequate, reliable, and impartial investigation of Complaints.

The burden is on LaGrange College—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

LaGrange College will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.

LaGrange College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

LaGrange College will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- LaGrange College will provide an equal opportunity to access the relevant and not otherwise impermissible evidence.
- LaGrange College will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- LaGrange College will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of sex discrimination are authorized.

Questioning of Parties and Witnesses

LaGrange College has a process that enables the Decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. In determining credibility of the parties or witnesses, the Decisionmaker will meet with the parties and any witnesses individually for questioning. More than one meeting per party may be deemed necessary, though not required. This questioning will differ from the investigative meetings, as the Decisionmaker is seeking to determine the credibility of the individuals. These meetings will be recorded and the audio recording or an accurate transcription will be made available to each party via the electronic file-saving service along with the relevant evidence and investigation report until the resolution of the complaint.

Determination Whether Sex Discrimination Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, LaGrange College will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the Decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the Decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the Complainant and Respondent to appeal, if applicable;
- Not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a Complainant and other people LaGrange College identifies as having had equal access to the College's 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 LaGrange College's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a Respondent; and
- 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 determination whether sex discrimination occurred.

Appeal of Determinations

LaGrange College offers the following process for appeals from a determination whether sex discrimination occurred. This appeal process will be, at a minimum, the same as LaGrange College offers in all other comparable proceedings, including proceedings related to other discrimination Complaints.

Both parties may appeal a determination made by the Decisionmaker(s) . If the Respondent or the Complainant chooses to appeal either the Remedies or the Decisionmaker(s)'s decision they may do so by submitting a written appeal statement

to the Title IX Coordinator within three business days of the date the decision report is sent to the parties. The Title IX Coordinator submits the appeal to the Appeal Officer. The three grounds for appeal are:

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

The appeal statement must identify the ground(s) for appeal. Note that an appeal is not a re-hearing of the case.

If the Appeal Officer determines that a ground of appeal is substantiated, the Appeal Officer will return the case to the Title IX Coordinator. When a case is returned to the Title IX Coordinator, the Title IX Coordinator may dismiss the case, send the case to the original Decisionmaker(s) for reconsideration, send the case to a new Decisionmaker(s) with the same or different charges, and/or (re)implement any aspect of the disciplinary process. A different decision (i.e., the decision of responsibility and/or sanctions) may subsequently result. If the Appeal Office finds the appeal is not substantiated, the decision of the Decisionmaker stands.

GRIEVANCE PROCEDURE – SEC. 106.46 – Sex-based Harassment

Scope:

- Applies to sex-based harassment complaints involving a student Complainant or a student Respondent.

Written Notice of Allegations:

If LaGrange College initiates these Title IX grievance procedures, the College will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- LaGrange College's Title IX grievance procedures and any Informal Resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The Respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior

to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;

- The parties may have an Advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.
- The LaGrange College Student Code of Conduct (found in the Student Handbook on Panthernet) prohibits knowingly making false statements or knowingly submitting false information to a College official at any time including during grievance procedures.

If, in the course of an investigation, LaGrange College decides to investigate additional allegations of sex-based harassment by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

Investigation:

General Principles:

LaGrange College has an adequate, reliable, and impartial investigation of complaints.

The burden is on LaGrange College—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

LaGrange College 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.

LaGrange College will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the Advisor of their choice, who may be, but is not required to be, an attorney.

- LaGrange College will not limit the choice or presence of the Advisor for the Complainant or Respondent in any meeting or proceeding.
- LaGrange College may establish restrictions regarding the extent to which the Advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

After the Notice of Charges has been provided to the Parties, the Title IX Coordinator or Deputy will select a trained internal or external investigator(s) to conduct a reasonable, impartial, and prompt investigation of the complaint (“Investigation”). The Title IX Coordinator will select an Investigator(s) based on several factors, including the Parties involved, the complexity of the complaint, the need to avoid any potential conflict of interest, and who may best conduct a fair and equitable investigation for all Parties involved. The Title IX Coordinator will notify the Complainant and Respondent, in writing, of the name of the

designated Investigator(s). The Parties will have 2 business days to object to the Investigator(s)'s selection on the basis of bias or conflict of interest. If the Complainant or Respondent objects, the Title IX Coordinator will evaluate whether the objection is substantiated. The Title IX Coordinator will remove and replace any Investigator the Coordinator finds to have a bias or conflict of interest against either party. The Investigator will contact both Parties with a request to meet within 3 business days. The Investigator will continue the investigation once the 3 business days have expired, or sooner if both Parties respond prior to the 3 business day deadline. The Investigator, in consultation with the Title IX Coordinator, will establish an expected, reasonable timeframe for the Investigation process and notify the Parties of any delays.

The Investigator will interview both Parties and relevant witnesses and gather documentary evidence provided by the Parties and any identified witnesses. The Investigator will prepare a summary of each interview ("Interview Summary"). The College does not restrict the ability of either the Complainant or Respondent to discuss the allegations under investigation or to gather and present relevant evidence.

The Investigator(s) will review the documentation from the preliminary investigation and will prepare a Preliminary Report. The Preliminary Report is a written summary of the evidence gathered in the course of the Preliminary Investigation. This evidence will include both inculpatory and exculpatory relevant evidence. The burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not on the Parties. The Investigator will state specific factual findings in the Preliminary Report (e.g., "Complainant was incapacitated" or "Respondent believed that Complainant was not incapacitated"). The standard for determining each factual finding is the "preponderance of the evidence," (i.e., that it is more likely than not that the factual finding is true). The Investigator will not state ultimate findings as to whether the Respondent has, or has not, violated one or more of the College's policies. The Investigator(s) will attach as exhibits to the Preliminary Report all Interview Summaries and any relevant documentary evidence gathered and relied upon in the Preliminary Investigation that is directly related to the allegations in the Complaint. The College cannot 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, and which are made and maintained in connection with the provision of treatment to the Party, unless the College obtains that Party's voluntary, written consent to this evidence. When the Investigator determines that the Preliminary Investigation is complete, the Investigator will submit the Preliminary Report to the Coordinator. The Coordinator may require the Investigator(s) to conduct additional investigation; if so, the Investigator(s) will conduct additional investigation consistent with the following procedures:

- The Investigator(s) may conduct follow-up interviews with both Parties and witnesses based upon testimonial and documentary evidence gathered during the Preliminary Investigation. The Parties and witnesses can expect that, in these follow-up interviews, the Investigator(s) will seek responses to specific allegations or

evidence. To the extent additional material, witnesses or evidence are identified during Rebuttal Fact-Gathering, the Investigator(s) will conduct additional interviews and gather additional evidence. Rebuttal Fact-Gathering may be repeated as necessary to ensure a complete gathering of evidence.

i. Notice of Preliminary Report and Response

Once the Title IX Coordinator has agreed that the Investigation is complete, the Title IX Coordinator will provide the Preliminary Report to the Parties for review, as soon as possible after receipt of the Preliminary Report from the Investigator. The Parties may respond to the Preliminary Report; the Parties will submit any response within 10 calendar days of being notified of their opportunity to review the report. The Parties may respond in one or both of the following ways:

- The Parties may provide a written response to the Preliminary Report, or any portion of it, including each Interview Summary. The Investigator will consider any written response provided by the Parties in preparing the Final Report.
- The Parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following:
 - a. Request(s) for follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the Investigator to pose to witnesses
 - b. Request(s) to consider new evidence. Any request for additional investigation shall explain the reason for the request (e.g., new witnesses).

If neither of the Parties requests additional investigation, the Investigator(s) will prepare the Final Report. If either (or both) Parties request additional investigation, the Investigator(s) will review the request(s) in consultation with the Title IX Coordinator. The Investigator(s) will conduct the requested additional investigation if the Title IX Coordinator determines that the request(s) will assist the Investigator(s) in completing the investigation.

If the Investigator(s) conducts additional investigation, the Investigator will prepare an Addendum to the Preliminary Report (“Addendum”). The Investigator(s) will submit the Addendum to the Title IX Coordinator. The Title IX Coordinator may require the Investigator(s) to conduct additional investigation before the Addendum is complete. Once the Title IX Coordinator has agreed that the Addendum is complete, the Title IX Coordinator will provide the Addendum to the Parties.

ii. Final Report

Once the investigation is complete, the Investigator will prepare a Final Report. The Final Report, if different from the Preliminary Report, will have attached as exhibits the testimonial

and documentary evidence from the Investigation, the Preliminary Report, the Addendum (if applicable), and all the Parties' responses throughout the Formal Resolution proceeding. Once the Investigator is satisfied that the Final Report is complete, the Investigator will submit the Final Report to the Coordinator. The Title IX Coordinator will send to each Party and the Party's Advisor, if any, a copy of the Final Report in an electronic format or hard copy, for their review and response.

No earlier than 10 calendar days after sending the Final Report, the Coordinator will meet with the Complainant and Respondent individually. Using the Final Report, the Title IX Coordinator, and Deputy Coordinators will determine and notify the Complainant and Respondent in writing as to whether the College should proceed through Formal or Informal Resolution.

Role of the Advisor

Both the Respondent and Complainant have the right to have an Advisor of choice. It is the responsibility of the Complainant and Respondent to communicate with the Advisor regarding allegations, times and dates of meetings, hearings, outcomes and any other information regarding the case. The Investigators, Title IX Coordinator and Deputy Coordinator will not discuss the case with any Advisor. The Advisor may:

- attend any meeting or hearing with the respective Complainant or Respondent regarding the case, if invited by the respective Complainant or Respondent;
- may provide advice to the Complainant or Respondent through quiet conversation or written notes in any meeting or hearing related to the case;
- may be a member of the College community but is not required to be. May be an attorney, but is not required to be;
- during the meetings with Investigator(s) and the Title IX Team, Advisors may not represent the Complainant or Respondent; Parties are expected to respond to questions from Investigator(s) and the Title IX Team directly;
- during a live hearing, Advisors may not cross-examine the Parties and the Parties' witnesses.

LaGrange College will provide the parties with the same opportunities, if any, to have people other than the Advisor of the parties' choice present during any meeting or proceeding.

LaGrange College will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. Expert witnesses are not allowed.

LaGrange College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

LaGrange College will provide each party and the party's Advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible.

LaGrange College will take reasonable steps to prevent and address the Parties' and their Advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Procedures for a Live Hearing

LaGrange College will conduct the live hearing with the parties physically present in the same geographic location or, at the College's discretion or on the request of either Party, will conduct the live hearing with the Parties physically present in separate locations with technology enabling the Decisionmaker and Parties to simultaneously see and hear the Party or witness while that person is speaking.

LaGrange College will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

Determination Whether Sex-Based Harassment Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, LaGrange College will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the Decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the Decisionmaker will not determine that sex discrimination occurred.
- Notify the Parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 - A description of the alleged sex-based harassment;
 - Information about the policies and procedures that LaGrange College used to evaluate the allegations;
 - The Decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
 - When the Decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions LaGrange College will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by

- LaGrange College to the Complainant, and, to the extent appropriate, other students identified by LaGrange College to be experiencing the effects of the sex-based harassment; and
- LaGrange College's procedures and permissible bases for the Complainant and Respondent to appeal.
 - LaGrange College will not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in prohibited sex discrimination.
 - If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
 - Coordinate the provision and implementation of remedies to a Complainant and other people LaGrange College identifies as having had equal access to the College's 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 LaGrange College's education program or activity.
 - Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a Respondent; and
 - Not discipline a Party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that LaGrange College provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

Appeals:

LaGrange College offers an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, Deputy Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

If a Party appeals a dismissal or determination whether sex-based harassment occurred, LaGrange College will:

- Notify the Parties in writing of any appeal, including notice of the allegations, if

- notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the Parties;
 - Ensure that the Appeal Officer for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
 - Ensure that the Appeal Officer for the appeal has been trained consistent with the Title IX regulations
 - Communicate to the Parties in writing that LaGrange College will provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
 - Notify the Parties in writing of the result of the appeal and the rationale for the result.

An appeal is not to rehear the case, but to review whether any of the above, if present, influenced the outcome of the case.

Appeals for cases arising under this Policy will be heard by an Appeal Officer. The Title IX Coordinator will receive the written materials and submit them to the Appeal Officer.

The Appeal Officer will have access to all documents including, but not limited to:

- Recordings, both audio and video
- Communications, including electronic and non-electronic written documents
- Reports
- Responses to reports
- Addenda
- Other documents associated with the case that are not 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, and which are made and maintained in connection with the provision of treatment to the Party, unless LaGrange College obtains that Party's voluntary, written consent

If the Appeal Officer determines that grounds for appeal is substantiated, the case will be returned to the Title IX Coordinator. Otherwise, the decision of the Decisionmaker stands.

When a case is returned to the Title IX Coordinator, the Title IX Coordinator may:

1. Decide to drop the case, or
2. Send the case to the original Decisionmaker(s) for reconsideration, or
3. Send the case to a new Decisionmaker(s) with the same or different charges, and/or (re)implement any aspect of the disciplinary process. When a case is sent back to a new Decisionmaker(s), it is possible that a different decision (i.e., the decision of responsibility and/or sanctions) may subsequently result.

Remedies – 106.45 and 106.46

Remedies mean measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to LaGrange College's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the College's education program or activity after LaGrange College determines that sex discrimination occurred.

The following are possible sanctions which may be assigned after a finding of Responsibility. This list is not exhaustive and may be modified to meet the circumstances of any given case.

1. Expulsion: Permanent severance of the student's relationship with LaGrange College. This severance includes being barred from campus.
2. Disciplinary Suspension: Temporary severance of the student's relationship with LaGrange College for a specified period of time. This may include the student being barred from campus.
3. Limited Suspension: A student may be denied certain privileges for a specified period of time. These privileges may include, but are not limited to, class attendance, housing, parking on campus, participation in extracurricular activities, ID card privileges, access to LaGrange College facilities, and access to the campus.
4. Disciplinary Probation: Notice to the student that any further, major disciplinary violation may result in suspension. Disciplinary probation might also include one or more of the following: the setting of restrictions or the issuing of a reprimand.
5. Reprimand (oral or written.)
6. Counseling: The committee may require that a Respondent participate in counseling with the campus counselor for issues including, but not limited to, anger management, substance abuse, and extenuating personal circumstances. The Counselor may confirm participation, but not the content of the meetings.
7. Work assignment changed
8. Referral to Human Resources or Academic Affairs for employment action

Parental, family, marital status, pregnancy or related conditions – Students

Scope

LaGrange College has not adopted or implemented any policy, practice, or procedure concerning a student's current, potential, or past parental, family, or marital status that treats students differently on the basis of sex.

LaGrange College does not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions. LaGrange College does not engage in prohibited discrimination when it allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity provided LaGrange College ensures

that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

LaGrange College will ensure that when a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee promptly provides that person with the Title IX Coordinator's contact information and informs that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to LaGrange College's education program or activity.

LaGrange College will take specific actions to promptly and effectively prevent sex discrimination and ensure equal access to the College's education program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions. The Title IX Coordinator must coordinate these actions.

LaGrange College will inform the student, and if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of the College's obligations under this section and provide LaGrange College's notice of nondiscrimination.

Reasonable Modification

LaGrange College will make reasonable modifications to the College's policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the College's education program or activity. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required under this paragraph, LaGrange College must consult with the student. A modification that LaGrange College can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.

The student has discretion to accept or decline each reasonable modification offered by LaGrange College. If a student accepts LaGrange College's offered reasonable modification, LaGrange College will implement it.

Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

Voluntary access to separate and comparable portion of program or activity.

LaGrange College will allow the student to voluntarily access any separate and comparable portion of LaGrange College's education program or activity.

Voluntary leaves of absence.

LaGrange College must allow the student to voluntarily take a leave of absence from the College's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by LaGrange College that allows a greater period of time than the medically necessary period, LaGrange College must permit the student to take voluntary leave under that policy instead if the student so chooses. When the student returns to the College's education program or activity, the student must be reinstated to the academic status and as practicable, to the extracurricular status that the student held when the voluntary leave began.

Lactation space.

LaGrange College will ensure that the student can access a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

Limitation on s documentation.

LaGrange College will not require supporting documentation unless the documentation is necessary and reasonable for the College to determine the reasonable modifications to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided LaGrange College with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs; or when the specific action is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

Comparable treatment to other temporary medical conditions.

LaGrange College will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy LaGrange College administers, operates, offers, or participates in with respect to students admitted to the College's education program or activity.

Certification to participate.

LaGrange College will not require a student who is pregnant or has related conditions to

provide certification from a healthcare provider or any other person that the student is physically able to participate in the College's class, program, or extracurricular activity unless:

- (i) The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- (ii) LaGrange College requires such certification of all students participating in the class, program, or extracurricular activity; and
- (iii) The information obtained is not used as a basis for discrimination prohibited by this Policy.

Parental, family, marital status, pregnancy or related conditions – Employees

Scope

LaGrange College has not adopted or implemented any policy, practice, or procedure, or take any employment action, on the basis of sex:

- (1) Concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment, which treats persons differently; or
- (2) That is based on whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit is.

Pregnancy or related conditions.

LaGrange College does not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions.

Comparable treatment to other temporary medical conditions.

LaGrange College treats pregnancy or related conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment.

Voluntary leaves of absence.

In the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, LaGrange College will treat pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

Lactation time and space.

(1) LaGrange College will provide reasonable break time for an employee to express breast milk or breastfeed as needed.

(2) LaGrange College will ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

Record Keeping

Title IX Records will be maintained for 7 (seven) years in accordance with the Title IX regulations and LaGrange College's Records Retention Policy. Title IX records include:

1. Investigations
2. Determinations
3. Recordings
4. Transcripts
5. Sanctions
6. Remedies
7. Appeals
8. Informal Resolutions
9. Training Materials

Internal and External Resources

LaGrange College reserves the right, at any time during any stage of any process described in this Policy, to utilize the services of internal and/or external individuals to facilitate any of the processes or to serve in any role described in this Policy.

Examination and Revision

The policies of LaGrange College are reviewed regularly. The LaGrange College Title IX Policy may be revised at any time in order to comply with current applicable guidance, regulations, and laws.