

II.1 General Grievance Procedures for All Formal Complaints of Section II Prohibited Sexual Conduct

Section II Sexual Misconduct is conduct that otherwise meets the definition of Section I Title IX Prohibited Conduct but fails to meet the jurisdictional requirements of Title IX as set out in Section I, and any conduct which is one of the following acts/behaviors as defined herein: (1) Section II Sexual Misconduct, (2) Section II Sexual Exploitation, and (3) Section II Improper Conduct Related to Sex as defined on page 7ff.

For purposes of addressing formal complaints of Section II Prohibited Sexual Conduct, the College will follow the grievance procedures as described in Section II of this policy.

The College shall treat complainants and respondents equitably by offering appropriate supportive measures to a complainant or respondent, and by following the College's grievance policy and procedures as set out below, before the imposition of any remedies or disciplinary sanctions that are not supportive measures against a respondent. It is presumed that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Supportive measures are non-disciplinary, non-punitive individualized services designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment or deter sexual harassment ^[1].

Sanctions are disciplinary measures or consequences imposed against a respondent who was found responsible for the prohibited behavior as alleged. Sanctions are based on the nature and gravity of the misconduct, any record of prior discipline for similar violations, or both. They may include remedies designed to restore or preserve the complainant's equal access to the College's education program or activity. Sanctions and remedies may pose a burden to the respondent. The College's grievance procedures describe the range of possible remedies and sanctions that the College may implement following any determination of responsibility, as listed in Appendix B.

When an initial assessment or investigation under this Policy identifies additional related possible violations of Section I of this Policy by the same party or parties, the grievance process set forth in Section I (I.2) will apply to all allegations. Under such circumstances, the parties will be provided written notice containing the following information: (a) the alleged prohibited conduct, and (b) the Section(s) under which the alleged prohibited conduct falls.

Section II Sexual Misconduct that otherwise meets the definition of Section I Title IX Prohibited Conduct but fails to meet the jurisdictional requirements of Title IX as set out in Section I shall be adjudicated following the grievance process as described in Section I. ^[2]

Section II Sexual Misconduct shall be referred to the appropriate office(s) that will adjudicate the matter under the applicable procedures.

- Student complainant – student respondent conduct shall be referred to Student Life, and II.2 grievance process will be followed;
- Employee complainant - employee respondent conduct shall be referred to Human Resources, and II.3 grievance process will be followed;
- Student complainant – employee respondent conduct shall be referred to Human Resources and Student Life, and II.3 grievance process will be followed;

- Employee complainant – student respondent conduct shall be referred to Student Life and Human Resources, and II.2 grievance process will be followed.

Basic Requirements for Grievance Procedures

Grievance proceedings shall be conducted by officials who receive regular training on the issues related to inappropriate behavior as defined in the Georgetown College Policy and Procedures Manual^[3], the Faculty Handbook^[4] or the Student Code of Conduct in the Student Handbook^[5].

The appointed Designee (Human Resources or Student Life) shall conduct a prompt investigation of the allegation(s) to obtain the facts from any and all parties involved, including obtaining signed statements of the parties and of any witnesses. The appointed designee, investigator(s), or hearing officer(s) shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Proceedings shall provide a prompt, fair, and impartial investigation, and resolution. The College's grievance procedures shall use an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. During the grievance process, credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.

To maintain the neutral nature of the investigation and to avoid any appearance of favoritism toward one party or the other, the designee will be the only person who may question the complainant and respondent. Any other persons involved in the investigation process will be able to provide any questions they feel are relevant to the investigation to the designee. The designee will determine the appropriateness of any questions submitted, as well as the appropriate way to pose the question to the individual. The privacy and confidentiality of any complainant and respondent will be protected and only those who have a "need to know" will be involved.

Whether a hearing for conduct prohibited by this Section II is conducted by the Office of Student Life or through the Office of Human Resources, those offices shall,

- Provide both parties an equal opportunity to review the summary of the investigation that is directly related to the allegations raised in a formal complaint.
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Provide the parties with the same opportunities to have others present during any grievance proceeding;
- Provide to the party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

The College's grievance procedure includes reasonably prompt time frames for the conclusion of the grievance process, including a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent for the delay or extension and the reasons for the action. "Good cause" may include considerations such as the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, the College's holiday schedule, or the need for language assistance or accommodations for disabilities.

The standard of proof under this Policy is the preponderance of the evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the relevant evidence and reasonable inferences from the evidence, that the respondent violated this policy. This standard of evidence is applied to complaints against students as well as complaints against employees, including administration. It shall be applied to all formal complaints of conduct prohibited under this Policy.

[1] 34 CFR 106.30(a) "Supportive measures"

[2] 34 C.F.R. § 106.45(b)(3)(i)

[3] This manual will be made available upon request. Please contact the Office of Human Resources (502-863-8035 or Debbie_clark@georgetowncollege.edu) for further information.

[4] This manual will be made available upon request. Please contact the Provost's Office (502-863-8146 or Provost@georgetowncollege.edu) for further information.

[5] <https://handbook.georgetowncollege.edu/student-code-of-conduct>