

Randolph College

Title IX & Sexual Misconduct Policy

Office for Civil Rights

*This policy supersedes any other policies in print and found digitally and
complies with the 2020 Title IX Regulations.*

1-15-2025

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I. Policy Statement

Randolph College is committed to fostering a community where learning and work take place in an environment of dignity and respect. The College opposes all forms of harassment, including sexual and gender-based harassment, and strives to prevent such behavior within the community. Sexual misconduct is contrary to the values of Randolph College and incompatible with the safe, healthy environment that all members expect and deserve.

Randolph College does not discriminate based on race, color, national origin, sex, disability, religion, age, marital status, veteran status, gender identity or expression, sexual orientation, or any other characteristic protected by law. This applies to all aspects of employment, educational programs, admissions, and scholarship and loan programs, as required by Title IX, the ADA, Section 504 of the Rehabilitation Act, Title VII of the Civil Rights Act, and other applicable laws and College policies.

Sexual misconduct is prohibited by Randolph College's policies and may, in certain circumstances, constitute sexual discrimination under Title IX. The College encourages the prompt reporting of all allegations of sexual misconduct and is committed to providing a fair and timely resolution process. Maintaining a safe environment is a shared responsibility of every member of the College community. This policy sets forth community expectations, outlines the procedures for determining violations, and safeguards the rights and needs of both Complainants and Respondents.

This policy and related College policies and procedures are not contracts and do not confer contractual rights upon any individual. Randolph College reserves the right to amend or modify these policies and procedures at any time, without prior notice. Additionally, these policies and procedures are not intended to replicate or supersede local, state, or federal criminal or civil laws. Because College policies differ from the criminal and civil justice system, a finding of responsibility under this policy shall not be construed as a finding that any criminal or civil statute has been violated.

II. Jurisdiction

This policy applies to all members of the Randolph College community, including faculty, staff, students, and third parties ("Third Parties")—such as alumni, volunteers, independent contractors, visitors, and others who are regularly or temporarily engaged in studying, working, or conducting business within College programs or activities.

It governs acts of Prohibited Conduct committed by or against students, faculty, staff, and Third Parties. Prohibited Conduct under this policy includes both Title IX Prohibited Conduct and Non-Title IX Prohibited Conduct (allegations that do not meet Title IX jurisdiction or definitions but still violate the College's community standards). **The College will address Prohibited Conduct when:**

- A. It occurs on the College's campus or property owned or controlled by the College;**
- B. It occurs within the context of the College's employment or education program or activity;**

- C. It occurs off-campus or outside the College's programs or activities but has continuing adverse effects or creates a hostile environment for College community members on campus, on property owned or controlled by the College, or within its employment or Educational Programs or Activities.

III. **Title IX Overview and Coordinator**

Title IX is a federal civil rights law that prohibits colleges and universities receiving federal financial assistance from discriminating based on sex in their Educational Programs or Activities. Sexual harassment, including acts of sexual assault, is a form of sex discrimination prohibited under Title IX. The law provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

20 U.S.C. § 1681

Sexual Harassment and Discrimination based on sexual orientation and/or gender identity is also prohibited under Title VII of the Civil Rights Act of 1964, the Virginia Values Act, and other applicable statutes.

The College's Title IX Coordinator ensures compliance with Title IX and is responsible for managing reports of Prohibited Conduct, and coordinating the College's response and resolution process, and training. As a neutral party, the Coordinator is available to discuss resources, options, and support with any community member. Questions or concerns about the College's application of Title IX or this policy can be directed to the Title IX Coordinator, who is available in person, by phone, or via email during regular business hours:

Title IX Coordinator
135 Main Hall
2500 Rivermont Avenue
Lynchburg, VA 24503
Phone: (434) 485-8031

Inquiries or concerns about the College's application of Title IX may also be addressed to the U.S. Department of Education Office for Civil Rights:

**U. S. Department of Education, Office for Civil
Rights District of Columbia Office**
400 Maryland Avenue, S.W
Washington, DC 20202-1475
Telephone: (202) 453-6020
Fax: (202) 453-6021
[Email: OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)

IV. General Policy Guidelines

The following general guidelines outline the foundational principles and procedures that govern our community's conduct. These guidelines are intended to ensure fairness, transparency, and consistency in addressing matters related to requests for time extensions, obligations of honesty, protection of free expression and academic freedom, consensual relationships, accommodations for individuals with disabilities, and regular policy review. They apply to all members of the College community and support our commitment to maintaining a safe, respectful, and inclusive environment.

- A. **Annual Review:** The Title IX Coordinator, Deputy Title IX Coordinator, Director of Campus Safety, and Associate Director of Campus Safety will conduct an annual review of this policy. The review will address evolving legal requirements, evaluate available resources for all parties, verify contact information, and assess the overall effectiveness of the policy.
- B. **Consensual Relations:** The College prohibits any staff or faculty member, including part-time staff and faculty, from knowingly engaging in a consensual dating and/or sexual relationship with any student with whom they have a direct or indirect supervisory, evaluative, or collaborative relationship. A “supervisory, evaluative, or collaborative relationship” includes any relationship in which a staff or faculty member oversees the academic or non-academic work of a student, evaluates their performance (such as assigning grades or contributing to performance evaluations), or collaborates with them on research, academic projects, or co-curricular activities. This policy applies to relationships both within and outside the classroom and encompasses all College-sponsored academic, co-curricular, and extracurricular activities, as well as campus-based employment. Examples of supervisory, evaluative, or collaborative relationships include, but are not limited to, teaching or advising a student, collaborating on research, employing a student (e.g., as a research assistant), serving on evaluation committees for awards or prizes, advising student organizations, or participating in thesis or dissertation committees. Additionally, staff and faculty members are prohibited from engaging in supervisory, evaluative, or collaborative relationships with immediate family members who are students at the College.

The Provost may grant an exemption to this policy for good cause, provided it is determined that the relationship does not compromise the education or employment of any student or result in a conflict of interest. Any exemption must be in writing and specify conditions imposed by the Provost. In determining good cause, the Provost will consider various factors, including whether the staff or faculty member’s official duties intersect with the student’s program of study, the feasibility of conditions to prevent conflicts of interest or harm to the educational environment, and whether the staff or faculty member and student are in a marriage or committed relationship that existed before the faculty or staff appointment and/or the student’s enrollment in the relevant program.

- C. **Individuals with Disabilities:** The College will arrange appropriate accommodations, as necessary and available, to support individuals with disabilities in participating fully in the procedures outlined in this policy. Requests for accommodations should be directed to the Office of Access Services at (434)-947-8132.

- D. Obligation to Provide Truthful Information:** All members of the College community are expected to cooperate fully and provide truthful information in any report or proceeding under this Policy. Providing false or misleading information in bad faith, such as with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct, is prohibited and subject to disciplinary sanctions. Even if a report is later not substantiated, that does not necessarily mean that the information was provided in bad faith.
- E. Protection of Free Expression and Academic Freedom:** This Policy does not limit the free expression of ideas, which is central to the College's mission, nor does it restrict academic freedom. The College is committed to both protecting free expression and creating an environment free from Prohibited Conduct for all members of the College community. Academic freedom includes the freedom to teach, conduct research and other scholarly or creative activities, and to publish or otherwise disseminate results, even if those conclusions are unpopular or contrary to public opinion. When alleged conduct involves speech or expression, the standards of this Policy will be applied in accordance with the College's Free Expression Policy and other relevant guidelines found in student, faculty, and employee handbooks or applicable College policies.
- F. Requests for Extensions of Time:** The Title IX Coordinator may extend any deadlines within this Policy for good cause shown and documented. The Complainant and Respondent will be notified in writing of any extension, the reasons for it, and the projected new timeline(s).

V. Definitions

The following definitions clarify key terms used throughout this policy. Understanding these terms is essential for accurately interpreting and applying the policy provisions. Unless otherwise specified, these definitions apply to all sections of this policy.

- A. Adjudicator:** The individual or panel responsible for making a determination regarding responsibility in a Title IX grievance process. The Adjudicator's role is to evaluate all relevant evidence presented during a live hearing, including testimony, cross-examination, and submitted documentation, to decide whether the Respondent is responsible for alleged violations of the institution's Title IX policy. This decision is based on the preponderance of the evidence standard.
- B. Advisor:** An individual chosen by a party or appointed by the College if a party does not have one, to support them during the resolution process. Advisors may be anyone, including attorneys, and may accompany parties to any meeting or proceeding under this Policy. They are responsible for conducting cross-examination during hearings but may not speak for the party outside of this role or otherwise participate directly in proceedings. Advisors are expected to follow the College's decorum rules and may be removed by the Title IX Coordinator for any disruptive behavior.
- C. Appellate:** The individual or panel responsible for reviewing appeals submitted by either the Complainant or Respondent following the determination of responsibility or the dismissal of a Formal Complaint. The Appellate evaluates whether the appeal meets the grounds specified in the Title IX grievance process and ensures that the resolution process was conducted fairly

and in compliance with institutional policy and Title IX regulations.

- D. Business Days:** Refers to days when all College offices are open. This does not include weekends, holidays, or inclement weather when College offices are closed.
- E. Complainant:** The person who is alleged to have experienced Prohibited Conduct, regardless of whether they file a complaint or seek disciplinary action.
- F. Coercion:** Unreasonable pressure for sexual activity. Coercion goes beyond simply persuading, enticing, or attracting another person to have sex. When someone clearly states they do not want to participate in a particular form of Sexual Contact or Sexual Intercourse, decides to stop, or chooses not to go beyond a certain level of sexual interaction, continuing to apply pressure can be coercive. The totality of the circumstances—such as the frequency, intensity, and duration of the pressure—will be considered. Coercion severe enough to create a non-consensual sexual encounter typically involves manipulation, intimidation, or forceful actions that overwhelm an individual’s ability to freely give consent. Examples of coercion include threatening to disclose another individual’s private sexual information or threatening self-harm if the other person does not engage in sexual activity.
- G. Consent:** An affirmative decision, indicated by clear words or actions, to willingly engage in mutually acceptable sexual activity. It is an informed choice made freely and actively by all participants. For a sexual encounter to be consensual, each participant must agree to every act within that encounter. Each person should clearly communicate their willingness or unwillingness to continue at every stage of the activity, avoiding assumptions that might create confusion or ambiguity.

Consent cannot be obtained through physical force, threats, intimidation, or coercion that would compel a reasonable person to engage in unwanted sexual activity against their will. Consent cannot be inferred from silence, passivity, lack of resistance, or lack of active response. In addition, consenting to one form of sexual activity does not imply consent to any other form. Having a current or previous dating or sexual relationship does not constitute consent in every situation.

Either party may withdraw consent at any time by using words or actions that clearly express a desire to stop. Once consent is withdrawn, all sexual activity must cease immediately. Sexual conduct is considered non-consensual if there is no clear verbal or non-verbal agreement or if a person’s ability to freely consent is removed by another person or circumstance. Examples may include, but are not limited to, when an individual is incapacitated due to alcohol or drugs, passed out, in fear for their safety or someone else’s, physically forced, intimidated, coerced, mentally or physically impaired, threatened, or confined.

The use of alcohol or drugs can impair a person’s ability to give consent freely and clearly. It can also create confusion over whether such consent has been given. A “reasonable person” standard applies to determining whether someone knew or should have known that another individual’s impairment prevented them from providing valid consent. Being intoxicated or otherwise impaired by alcohol or drugs does not relieve anyone of the responsibility to obtain consent and is never a defense for sexual misconduct.

- H. **Deputy Title IX Coordinator(s):** College employees designated to assist the Title IX Coordinator in handling reports of Prohibited Conduct. They are available to answer questions and meet with those concerned about College processes related to Prohibited Conduct.
- I. **Discrimination:** Actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex, gender identity or expression, or sexual orientation.
- J. **Education Program or Activity:** This includes locations, events, or circumstances where the College exercises substantial control over both the Respondent and the context in which the sexual harassment occurs. This also extends to incidents of Title IX Prohibited Conduct that occur off-campus if any of the following conditions are met: (a) The off-campus incident is part of the College's operations; (b) The College exercises substantial control over both the Respondent and the context of the alleged Title IX Prohibited Conduct that occurred off-campus; or (c) the incident occurs at an off-campus building owned or controlled by a student organization officially recognized by the College.
- K. **Formal Complaint:** A document submitted by a Complainant, either with their physical or digital signature, or another indication showing that they are filing the complaint. It may also be signed by the Title IX Coordinator or Deputy Title IX Coordinator, requesting the College to investigate allegations of Prohibited Conduct. At the time of filing, the Complainant must be participating in, or attempting to participate in, the College's employment or Educational Programs or Activities.

A formal complaint can be filed with the Title IX Coordinator in person, by mail, or by email, using the contact information provided on the Title IX webpage or as described in this policy. Individuals seeking more information about filing a Formal Complaint are encouraged to contact the Title IX Coordinator. If the Title IX Coordinator signs the Formal Complaint, it does not make them the "Complainant" under this policy.

- L. **Incapacitation:** The state in which an individual cannot make rational, reasonable decisions because they lack the capacity to give informed consent—for example, they cannot understand the "who, what, when, where, why, or how" of their sexual interaction. Determining incapacitation involves considering all relevant indicators of a person's condition and is not the same as intoxication, impairment, blackout, or being drunk. This policy also applies to individuals whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, or the consumption of incapacitating drugs. An individual who is incapacitated cannot consent to sexual activity.

In evaluating whether consent was present in cases of alleged incapacitation, the College asks three questions:

1. Was the Complainant incapacitated?
2. If so, did the Respondent know that the Complainant was incapacitated?
3. If not, would a sober, reasonable person in the same situation have known that the Complainant was incapacitated based on objectively and reasonably apparent indications of incapacitation?

An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of giving consent is in violation of this policy.

- M. Investigator:** A neutral party responsible for conducting a thorough investigation of a Formal Complaint and providing an unbiased Investigative Report that summarizes relevant evidence.
- N. Investigative Report:** A comprehensive document prepared by the Title IX Investigator(s) that objectively summarizes all relevant evidence gathered during the investigation of a Formal Complaint under the Title IX grievance process. The report is designed to present facts in a neutral and unbiased manner, without making any determinations of responsibility or credibility assessments, which are reserved for the adjudicator or decision-maker.
- O. Preliminary Report:** The initial document prepared by the Title IX Investigator during the investigation phase of a Formal Complaint under the Title IX grievance process. It provides a draft summary of the evidence collected up to that point, including relevant facts and information gathered through interviews, documents, and other means. The Preliminary Report is shared with the parties and their Advisors to allow them to review and respond before the completion of the final Investigative Report.
- P. Respondent:** The person alleged to have violated this Policy. The Respondent is presumed not responsible until a determination is made at the conclusion of the grievance process.
- Q. Title IX Coordinator:** The individual responsible for overseeing all Title IX-related complaints, identifying patterns or systemic issues, and addressing Prohibited Conduct. The Coordinator is available to answer questions about the processes for reporting, investigating, and adjudicating such complaints. Additionally, they are available to meet with anyone involved in or concerned about incidents, patterns, or problems related to Prohibited Conduct on campus or in College programs.
- R. Report:** A notification of an alleged incident of Prohibited Conduct, which can be made by any person through various methods (in-person, mail, phone, email). Reports may be made at any time using the Title IX Coordinator's contact information.
- S. Sexual Acts:** Any intentional physical touching, however slight, between two or more people that is intended to provide sexual pleasure or arousal involving the breasts, buttocks, groin, or genitals—whether these areas are clothed or unclothed. This touching can be performed with any object or body part by one person upon another. It also includes causing someone to touch another person's breasts, buttocks, groin, or genitals.
- T. Sexual Violence:** refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the victim's age or use of drugs or alcohol, or because an intellectual or other disability prevents the victim from having the capacity to give consent). Acts that fall into the category of sexual violence include rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.
- U. Standard of Proof:** The standard used in Prohibited Conduct cases is the *preponderance of the evidence*. This standard requires the Adjudicator to conclude that it is more likely than not that the Respondent engaged in Prohibited Conduct for there to be a finding of

responsibility. This standard of proof differs from the higher standard used in criminal cases, beyond a reasonable doubt. Therefore, there could be instances when the criminal justice system declines to prosecute a case criminally, but a finding of responsibility is reached under this Title IX and Sexual Misconduct Policy.

- V. Supportive Measures:** Non-disciplinary, non-punitive individualized services offered as appropriate, reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures are available regardless of whether the Complainant pursues criminal or disciplinary action through the College.
- W. Support Person:** An individual chosen by a Complainant or Respondent to provide personal support and assistance throughout the grievance process. This role is distinct from that of an Advisor, who may actively participate in hearings or cross-examinations. The Support Person's primary function is to offer emotional support, guidance, and companionship during meetings, interviews, and hearings related to the Title IX process. They do not speak on behalf of the party or engage directly in the proceedings but may confer privately with the individual they are supporting. The presence of a Support Person aims to ensure that both Complainants and Respondents feel supported and can navigate the Title IX process with greater confidence and comfort.

VI. Prohibited Conduct

This policy prohibits specific forms of behavior, categorized as either "Title IX Prohibited Conduct" or "Non-Title IX Prohibited Conduct." Conduct under this policy is prohibited regardless of the sex, sexual orientation, and/or gender identity or expression of the Complainant or Respondent.

A. Title IX Sexual Harassment

Conduct will be considered Title IX Sexual Harassment if it occurs within the United States and either takes place on the College's campus or property owned or controlled by the College, or occurs within the context of the College's employment, education program, or activity. If these conditions are not met, the conduct may still be addressed as Non-Title IX Sexual Harassment.

- 1. Quid Pro Quo Sexual Harassment** – Conduct where a faculty or staff member of the College, an authorized agent of the College or another person authorized by the College to provide aid, benefit or services under the College's Education Program or Activity, explicitly or impliedly conditions a provision of such aid, benefit or service on an individual's participation in unwelcome sexual conduct.
- 2. Hostile Environment Sexual Harassment** – Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the

College's education program or activity. Such conduct involves unwelcome conduct of a sexual nature and may include unwelcome conduct based on sex or sex stereotyping.

In evaluating whether the unwelcome conduct is so severe, pervasive, and objectively offensive that it effectively denies a person equal access, the College uses a reasonable person standard that takes into consideration the totality of the known circumstances, including but not limited to:

- a. The frequency, nature, and severity of the conduct.
- b. The age, disability status, and other characteristics of the parties.
- c. Relationship between the parties.
- d. Whether the conduct was physically threatening.
- e. The effect of the conduct on the Complainant's mental or emotional state.
- f. Whether the conduct was directed at more than one person.

3. Sexual Assault – May include any of the following forcible and non-forcible sex offenses:

- a. Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant or in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
- b. Touching the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification without the consent of the Complainant or in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
- c. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Virginia law;
- d. Non-forcible sexual intercourse with a person who is under the statutory age of consent as prohibited by Virginia law.

4. Dating Violence – Violence, including sexual or physical abuse or the threat of such abuse, committed by a person:

- a. who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. the length of the relationship;
 - ii. the type of relationship; and
 - iii. the frequency of interaction between the persons involved in the relationship.

5. **Domestic Violence** – Felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under the Commonwealth of Virginia’s domestic or family violence laws or by any other person against an adult or youth alleged victim who is protected from that person’s acts under the domestic or family violence laws of the Commonwealth of Virginia.
6. **Stalking** – Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for the person’s safety or safety of others or to suffer substantial emotional distress. Stalking includes cyber-stalking, a particular form of stalking in which an individual uses electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact.
 - a. **Course of conduct** means two or more acts, including but not limited to, acts in which an individual directly, indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens, or communicates to or about another individual, or interferes with another individual’s property.
 - b. **Reasonable person** means a reasonable person in the victim’s circumstances.
 - c. **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment or counseling.

B. Non-Title IX Sexual Harassment

While Title IX defines specific criteria for conduct to be considered Title IX Sexual Harassment, the College also prohibits unwelcome conduct of a sexual nature or based on sex, sexual orientation, gender identity, or gender expression that may not meet Title IX’s jurisdictional requirements but still falls within the scope of this policy (see Section II, Jurisdiction). This includes conduct that: (1) does not rise to the level of Title IX Hostile Environment Sexual Harassment, (2) occurs off-campus or outside the College’s programs or activities but has continuing adverse effects for College community members on campus, on property owned or controlled by the College, or within its employment or Educational Programs or Activities, or (3) occurs outside the United States. Such conduct will be treated as prohibited conduct under this policy.

7. **Sexual and Gender-Based Harassment** – Unwelcome conduct on the basis of sex, sexual orientation, gender identity, or gender expression that a reasonable person would determine is so severe, pervasive, and objectively offensive that it

effectively denies a person equal access to the College's education program or activity. This includes:

- a. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- b. **Gender-Based Harassment:** Acts of aggression, intimidation, or hostility based on sex, sexual orientation, gender identity, or gender expression, even if they do not involve conduct of a sexual nature.

The conduct must be evaluated under both a subjective and objective standard to determine if it meets the criteria of being severe, pervasive, or persistent.

8. **Sexual Exploitation** – Taking sexual advantage of another person in a non-consensual or abusive manner for one's own benefit, or for the benefit of someone other than the person being exploited, when such conduct does not otherwise constitute Prohibited Conduct under this Policy. Examples of Sexual Exploitation include:

- a. Observing or allowing third parties to observe an individual's genitalia, groin, breasts or buttocks or private sexual activity without the knowledge and consent of the participants, including through a hidden location or through electronic means in a place where there is a reasonable expectation of privacy.
- b. Recording or photographing an individual's genitalia, groin, breasts or buttocks or private sexual activity without consent.
- c. Disseminating recordings or photographs of an individual's genitalia, groin, breasts or buttocks or private sexual activity without consent.
- d. Exposing genitals or inducing another to expose their own genitals without consent.
- e. Exposing another individual to a sexually transmitted infection(s) without the other's knowledge.
- f. Causing incapacitation of another individual through alcohol, drugs, or any other means, for the purpose of compromising that individual's ability to consent to sexual activity; or

C. Discrimination

This policy prohibits discrimination on the basis of sex, including gender-based discrimination as well as discrimination based on sexual identity and orientation, in any education program or activity receiving Federal financial assistance. Prohibited discrimination includes actions or treatment that exclude individuals from participation, deny them benefits, or subject them to unequal treatment based on sex or gender. This section also outlines specific types of conduct that are prohibited, ensuring that all individuals have equitable access to educational opportunities, programs, and activities in a safe and inclusive environment.

- 1. Pregnancy and Related Conditions** – The College will not discriminate against any student or exclude them from its Educational Programs or Activities—including classes and extracurricular activities—based on the student's pregnancy, childbirth, lactation, false pregnancy, termination of pregnancy, or recovery from any of these conditions. Unless the student voluntarily requests to participate in a separate part of the College's program or activity, they will not be excluded.

The College will treat pregnancy and related conditions—including childbirth, lactation, false pregnancy, termination of pregnancy, and recovery from these conditions—in the same manner and under the same policies as any other temporary disability. This applies to any medical or hospital benefit, service, plan, or policy that the College administers, operates, offers, or participates in with respect to students admitted to its Educational Programs or Activities.

- 2. Athletics** – No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by the College.

D. Retaliation

Retaliation is any adverse action taken against an individual because they were involved in reporting, investigating, or resolving a report of Prohibited Conduct. Retaliation includes actions such as threats, intimidation, harassment, coercion, violence, or any other behavior that would discourage a reasonable person from engaging in activities protected under this Policy. Protected activities may include an individual's right to make a report or file a complaint of Prohibited Conduct, participate in the complaint resolution process, or make a good faith effort to intervene as a bystander.

The prohibition against retaliation applies to all students, employees, and any individual who makes a report or complaint of sex discrimination. This includes anyone who reports or files a Formal Complaint of sexual harassment, any Complainant, any individual reported to be the perpetrator, any Respondent, any witness, or anyone who participates (or chooses not to participate) in an investigation, proceeding, or hearing.

Retaliation may occur even if there is a finding of "not responsible" under this policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct do not constitute Retaliation. Retaliation should be promptly reported to the Title IX Coordinator and will be investigated and resolved under this Policy and Procedures. Retaliation is a form of Prohibited Conduct and will be treated as a separate offense.

Actions protected under the First Amendment do not constitute retaliation. Additionally, charging an individual with a code of conduct violation for making a materially false statement in bad faith during a grievance proceeding does not constitute retaliation; however, a determination regarding responsibility alone is insufficient to conclude that any party made a materially false statement in bad faith.

E. Right to Address Conduct Prohibited by Other Policies

The College reserves the right to adjudicate conduct prohibited by other College policies (i.e., outside the scope of the Title IX and Sexual Misconduct Policy) under this Policy if the conduct is related to an alleged instance of Prohibited Conduct covered by this policy.

VII. Reporting Prohibited Conduct

Randolph College strongly encourages the prompt reporting of Prohibited Conduct. If you believe you or someone you know has experienced Prohibited Conduct, it should be reported as soon as possible to the College's Title IX Coordinator or Campus Safety. Since Prohibited Conduct may violate both College policy and criminal law, reporting to both College officials and law enforcement is encouraged, as the College's grievance process is not a substitute for legal action.

Complaints may be filed at any time; however, the College strongly encourages prompt reporting to help preserve evidence for legal or disciplinary proceedings. The College aims to complete its investigation and resolution processes within a reasonable timeframe, but the Title IX Coordinator may extend this period for good cause.

Students and employees of the College may also file reports regarding Third Parties who are not enrolled at or employed by the College if the conduct is connected to the College's academic, educational, or extracurricular programs or activities. Although the College may not have jurisdiction to discipline Third Parties, it can still offer support services to students or employees. Where appropriate, the College will investigate the incident to ensure it does not signal a pattern of Prohibited Conduct at the College or involving its students or employees.

A. How to Report Prohibited Conduct

If you or someone you know has been a victim of Prohibited Conduct, you can report it through any of the following options:

- **Campus Safety (available 24/7)**
 - From an on-campus phone: Dial 0.
 - From any phone: Call 434-947-8000.
 - Emergency: Contact the Lynchburg Police Department by dialing 911.
- **Residence Life Staff**
 - Resident Assistants (RAs) and Head Residents (HRs)
- **Any Randolph College Employee**
- **[Silent Witness form](#) (student only)**
 - Submit an anonymous report through the Silent Witness online form.
- **Reporting Form on TIX Webpage**
- **Directly to Title IX Staff members**

Anonymous Reporting Limitations - Individuals who file anonymous reports should be aware that, if corroborating information is limited, it may be very difficult for the College to investigate or take action. However, anonymous reports may still be used for data collection under the Clery Act. The Clery Act requires colleges receiving federal financial aid to track and disclose crime statistics on and near their campuses.

Individuals may contact any of the following for assistance in filing a report with local law enforcement:

- **Title IX Coordinator**
Located in the Office for Civil Rights from 9:00 am to 5:00 pm. M- F
Phone: 434-947-8031
- **Title IX Case Manager**
Located in the Office for Civil Rights from 9:00 am to 5:00 pm. M- F
Phone: 434-947-8778
- **Director, Campus Safety**
Located in the Dean of Students Suite in Main Hall from 8:30 am to 5:00 pm, M-F
Phone: 434-947-8144

Anyone — whether the alleged victim, a bystander, a witness, a friend, or any other person — may report Prohibited Conduct to the Title IX Coordinator, which will trigger the College's obligation to respond. Upon receiving such a report, the Title IX Coordinator will contact the Complainant, if known, to discuss the availability of Supportive Measures and explain the process for filing a Formal Complaint.

B. Employee Reporting Responsibilities

Employees of the College are designated as either "Responsible Employees" or "Confidential Employees." Randolph College is committed to protecting the privacy of all individuals involved in the resolution of a report of Prohibited Conduct. Throughout the reporting, investigation, and resolution of a complaint, including the implementation of Supportive Measures, the College will make reasonable efforts to protect the privacy interests of all involved individuals in accordance with federal and state law.

1. Responsible Employees

A "Responsible Employee" is any College Employee who is not a Confidential Employee. A Responsible Employee is required to report to the Title IX Coordinator all relevant details (obtained directly or indirectly) of any conduct that may reasonably constitute sex discrimination, sexual harassment, gender-based harassment, or sexual misconduct involving a member of the College community, including faculty, staff, or students, when such disclosures are made to any of them in their capacities as employees. While Mandatory Reporters have reporting obligations under this Policy, they must maintain the privacy of individuals' information to the fullest extent possible.

For example, if a student discloses to an employee that they have experienced sexual harassment or sex-based discrimination, or if an employee learns of a sexual

harassment complaint involving a colleague, the employee must report this information to the Title IX Coordinator—regardless of their personal assessment of the report’s credibility. Employees should not attempt to investigate the matter themselves.

2. Confidential Employee

A Confidential Employee is a licensed medical, clinical, or mental health professional, a staff member working in their office, or ordained clergy. Additionally, Randolph College has designated certain employees as Campus Advocates, who also serve as Confidential Employees. Confidential Employees, while working in their professional/official capacity, will not report information to the College without written consent from the patient or client, unless there is an imminent threat of harm to self or others, or if there is a reasonable suspicion of abuse involving a minor (someone under the age of 18). **However, Confidential Employees are expected to provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex discrimination to any person who provides the Confidential Employee with information about conduct that reasonably may constitute sex discrimination.**

The College’s Confidential Employees include:

- All employees in the Counseling Center;
- All employees in the Health Center; and
- Any other professional with a legally recognized privilege.
- Campus Advocates

Consistent with the Clery Act, any data collected from Confidential Employees about the disclosures of Prohibited Conduct will be done in an aggregate manner and in a way that does not reveal personally identifying information of the parties to include in annual crime statistics, address any systemic concerns, and inform training and education programs.

C. Public Awareness Events

Employees are not required to report information shared during public awareness events. These events, such as forums or public gatherings where individuals disclose experiences of sexual violence or other forms of Prohibited Conduct, do not constitute notice to the College for the purpose of triggering an investigation unless the Complainant specifically initiates it. However, the College may use information from these events to review policies, enhance education and prevention efforts, and assess the campus climate regarding Prohibited Conduct. If the College becomes aware of information during such events that raises safety concerns for the broader community, it may be obligated to take action to protect the community.

D. Clery Act Reporting

Under the Clery Act, the College is required to issue timely warnings to the campus community when certain reported crimes, including some forms of Prohibited Conduct, pose a serious or ongoing threat. The Clery Act also mandates that the College maintain and

publicly share a daily crime log and an annual security report, which include statistics about certain reported crimes and are provided to the U.S. Department of Education. These timely warnings and crime statistics do not contain any personally identifying information about Complainants.

E. Confidentiality and Anonymity

- 1. Formal Complaint Requirements:** A Formal Complaint must include the Complainant's physical or digital signature or otherwise indicate that the Complainant is the one filing the complaint; anonymous complaints are not accepted. While the Complainant's identity can remain confidential from the Respondent for the purpose of implementing Supportive Measures (to the extent possible), if an investigation is pursued, the Complainant's identity must be disclosed to the Respondent during the grievance process.
- 2. Requests for Confidentiality or No Action:** If the Complainant requests that their personally identifying information not be shared with the Respondent, that no investigation be conducted, or that no further action be taken, the Title IX Coordinator will attempt to honor these preferences when possible, considering safety concerns and legal obligations. The Title IX Coordinator will decide whether to file a Formal Complaint on behalf of the College if the Complainant chooses not to file one. However, even in such cases, neither the Title IX Coordinator nor the College will become the Complainant or a party to the disciplinary matter.
- 3. Proceeding Without Complainant's Consent:** If the Title IX Coordinator determines that the College must proceed with a Formal Complaint despite the Complainant's request, the College will make reasonable efforts to protect the Complainant's privacy. However, the investigation may require disclosing the Complainant's identity to the Respondent and others who have relevant information. In such situations, the Title IX Coordinator will inform the Complainant that the College is moving forward with the Formal Complaint, but the Complainant is not obligated to participate in the investigation, or any other actions taken by the College.

F. Review Committee in Cases of Sexual Violence

As required under [Code of Virginia § 23.1-806](#), in alleged cases involving sexual violence, the Title IX Coordinator will consult with a Review Committee. The Review Committee will include the Title IX Coordinator (or a designee), the Director or Associate Director of Campus Safety, and a member of the Student Affairs Division. The Title IX Coordinator may also include other members of the college community as deemed appropriate. The Review Committee must meet within 72 hours to review the information and will meet again as necessary as new information becomes available.

The Review Committee will determine, consistent with FERPA regulations, if disclosing information—including personally identifiable information—to the law enforcement agency responsible for investigating the alleged act of sexual violence is necessary to protect the health or safety of the Complainant or other individuals. If the Review Committee determines that such disclosure is necessary, the Title IX Coordinator will notify the Complainant of the disclosure.

If the alleged incident would constitute a felony violation under Code of Virginia § 18.2-61, the Director or Associate Director of Campus Safety will consult with the Commonwealth's Attorney within 24 hours of the Review Committee meeting, without disclosing personally identifiable information about the individuals involved.

G. Emergency Removal

The College retains the authority to remove a Student Respondent from its programs or activities on an emergency basis. If, at any point after receiving a report of Prohibited Conduct, the College determines that the Student Respondent poses an immediate threat to the physical health or safety of the Complainant or any other person(s), including the Respondent, it may temporarily remove the Respondent from any or all programs or activities. The imposition of an Emergency Removal does not indicate a finding of responsibility for any Prohibited Conduct.

Before imposing an Emergency Removal, the Dean of Students (or their designee) will conduct an individualized safety and risk analysis concerning the Respondent, at the request of the Title IX Coordinator. An Emergency Removal will be imposed only if the Dean of Students concludes that the threat to physical health or safety arises from the allegations of Prohibited Conduct and warrants such removal.

An Emergency Removal may involve denying the Respondent access to some or all of the College's campus facilities, academic programs, or other activities. While the College may provide alternative academic or employment opportunities during an Emergency Removal, it is not required to do so. Non-punitive actions taken as Supportive Measures (e.g., changes in housing) do not constitute Emergency Removals.

The Title IX Coordinator will notify the Respondent of the terms imposed in connection with an Emergency Removal. The Respondent has the opportunity to challenge the Emergency Removal upon receiving that notice. To challenge the Emergency Removal, the Respondent must submit a written statement via email to the Title IX Coordinator within three (3) business days from the date of the notice, explaining why the Emergency Removal is not appropriate. The Title IX Coordinator will designate an individual to review the challenge, who may seek additional information from the Respondent or any other involved party to reach a decision. The Emergency Removal will remain in place while the review is pending. A decision will be issued as soon as possible under the circumstances, and this decision is final and not subject to further appeal.

H. Amnesty Policy

Randolph College is committed to fostering a safe and supportive environment for all community members. To encourage the reporting of incidents of sexual misconduct and to facilitate the participation of witnesses, the College will not pursue disciplinary action for personal consumption of alcohol or drugs against students, employees, visitors, or third parties when such disclosure is made in good faith in conjunction with a report of sexual misconduct or participation as a witness in related procedures. This policy is in accordance with [Virginia Code § 23.1-808\(B\)](#).

This amnesty provision applies solely to violations of the College's policies regarding personal

consumption of alcohol or drugs. It does not extend to other potential violations or misconduct. Additionally, this policy does not protect individuals from legal action taken by law enforcement agencies.

In cases involving highly concerning behavior (e.g., significant alcohol or drug use), the College may seek to have a conversation with individuals designed to reduce risk and promote health, safety, and wellbeing. However, any recommended training or educational programming would be optional, non-disciplinary, and not reflected on a community member's official records if not completed.

The College encourages all community members to prioritize their safety and the safety of others by reporting incidents of sexual misconduct without fear of disciplinary action for personal substance use.

VIII. Response to Prohibited Conduct

The College is committed to promptly responding to all reports of Prohibited Conduct to ensure the safety and well-being of the campus community. The Title IX Coordinator will respond to reports of Prohibited Conduct, regardless of whether the report is made directly by the Complainant, by another student, faculty member, staff member, or other third party. The Title IX Coordinator will respond to all Formal Complaints as set forth in this policy. This section outlines the procedures the College will follow upon receiving a report, including providing support to the Complainant and the Respondent, if appropriate, assessing the report, and determining next steps in accordance with applicable laws and policies.

A. Receiving a Report

1. Outreach to Complainant: Upon receiving a report of Prohibited Conduct, the Title IX Coordinator or their designee will promptly contact the Complainant in writing—if their identity is known—and offer to meet with them. The purpose of this meeting is to inform the Complainant of their rights and options under this policy, rather than to gather investigative information. During the meeting, the Title IX Coordinator will:

- Discuss the availability of Supportive Measures.
- Consider the Complainant's preferences regarding such measures.
- Inform the Complainant that Supportive Measures can be provided with or without a Formal Complaint.
- Explain the process for filing a Formal Complaint.

The Title IX Coordinator will conduct an initial assessment of the reported information, address any immediate safety or well-being concerns, and perform an intake assessment that includes:

- a. Informing the Complainant of their right to seek medical care and the importance of preserving forensic and other evidence;
- b. Informing the Complainant of their right to contact law enforcement, decline to contact law enforcement, and/or seek a protective order;

- c. Informing the Complainant about campus and community resources, including the option of a no-contact order;
- d. Informing the Complainant of their right to file a Formal Complaint and the right to seek Informal Resolution after filing a Formal Complaint; determining the Complainant's preference for resolution (Informal Resolution, Formal Resolution, or neither); and discussing any concerns or barriers to participating in a College investigation or resolution;
- e. Explaining the College's prohibition against Retaliation and that the College will respond promptly to any act of Retaliation;
- f. Assessing the nature and circumstances of the report, including whether it contains names or other information that personally identifies the Complainant, the Respondent, any witnesses, or other individuals with knowledge of the incident;
- g. Determining the ages of the Complainant and the Respondent, if known, and if either party is a minor (under 18), contacting parents, the legal guardian, or the appropriate child protective service agency, as required by law;
- h. Coordinating with appropriate College officials to determine whether the report triggers any Clery Act reporting requirements (such as adding the report to the daily crime log or issuing a timely warning) and taking steps to comply with these obligations;
- i. Ensuring that the Complainant receives a written explanation of all available resources and options, and providing an opportunity to discuss those resources and options; and
- j. Assessing, based on all known circumstances, any threat to the Complainant's or the College community's safety or well-being. This evaluation will be guided by the following safety factors:
 - i. Whether the Respondent has prior history, is the subject of prior reports and/or complaints related to any form of Prohibited Conduct, or has any history of violent behavior;
 - ii. Whether the Respondent has a history of failing to comply with any no-contact orders issued by the College, other Supportive Measures by the College, and/or any judicial protective order;
 - iii. Whether the report is an escalation in Prohibited Conduct by the Respondent;
 - iv. Whether the Prohibited Conduct involved multiple Respondents;
 - v. Whether the Respondent has threatened to commit violence or additional Prohibited Conduct;
 - vi. Whether the Prohibited Conduct involved violence or use of a weapon;

- vii. Whether the report or other available information reveals a pattern of Prohibited Conduct;
- viii. Whether the Prohibited Conduct was facilitated through the use of drugs or intoxicants;
- ix. Whether the Prohibited Conduct occurred while the Complainant was unconscious, physically helpless or unaware that the Prohibited Conduct was occurring;
- x. Whether the Complainant is (or was at the time of the Prohibited Conduct) a minor (under 18); and/or
- xi. Whether any other aggravating circumstances or signs of predatory behavior are present.

The Title IX Coordinator will provide the Complainant time to consider their rights and options and to determine whether the Complainant wishes to move forward with the filing of a Formal Complaint.

- 2. Outreach to the Respondent:** After receiving or initiating a Formal Complaint, the Title IX Coordinator will contact the Respondent in writing and offer to meet with them. This meeting is intended to advise the Respondent of their rights and options under this policy—not to gather information for the investigation. During this meeting, the Title IX Coordinator will provide information on:
- a. The Respondent's rights under this policy and other relevant College policies;
 - b. The College's obligation to treat both the Complainant and the Respondent equitably;
 - c. The College's obligation to promptly investigate any Formal Complaint of Prohibited Conduct under this policy;
 - d. The importance of collecting and preserving of evidence;
 - e. The Respondent's right to participate or decline to participate in any investigation;
 - f. The presumption that the Respondent is not responsible for the alleged conduct until a final determination is made;
 - g. The College's prohibition on Retaliation and its commitment to respond to any retaliatory act;
 - h. The Formal Resolution and Informal Resolution processes, as well as College procedures for pursuing a Formal Complaint;
 - i. The Respondent's right to have an Advisor of their choosing present at all meetings, including any formal or informal resolution process;
 - j. The availability and types of Supportive Measures; and
 - k. The Complainant's right to file a criminal complaint in addition to their rights

under this policy.

In all cases, the initial report, intake assessment, and determinations of the Title IX Coordinator will be documented and retained by the College in accordance with applicable law.

IX. Supportive Measures

The Title IX Coordinator offers and coordinates Supportive Measures for Complainants and, when appropriate, Respondents and witnesses, upon receiving information about conduct that may reasonably constitute Prohibited Conduct. These measures are intended to restore or preserve equal access to the College's Educational Programs or Activities without unreasonably burdening any party. They protect the safety of individuals and the College community, deter sexual harassment, and are not used for punitive or disciplinary reasons.

A. Types of Supportive Measures: Specific Supportive Measures vary depending on the circumstances and availability. They can include, but are not limited to:

1. Counseling
2. Extensions of deadlines or other course-related adjustments
3. Modifications of work or class schedules
4. Campus escort services
5. Mutual restrictions on contact between parties
6. Changes in work or housing locations
7. Leaves of absence
8. Increased security and monitoring of certain campus areas
9. Other measures to provide or restore access to the College's programs

The Title IX Coordinator is responsible for coordinating and effectively implementing these measures.

B. Availability and Considerations: Supportive Measures are available regardless of whether the Complainant pursues criminal or disciplinary action. In determining which measures to offer, the Title IX Coordinator will consider factors such as the needs and requests of those seeking assistance, the severity or pervasiveness of the reported conduct, any ongoing effects on the Complainant or Respondent, whether the parties share living or academic spaces, and any protective judicial orders (e.g., Protective Orders).

C. Modification, Continuation, or Termination of Supportive Measures: The Title IX Coordinator may modify or terminate Supportive Measures at any point during or after an investigation, a formal resolution process, or an alternative resolution process, if reasonably appropriate. Supportive Measures may continue after the conclusion of these processes if warranted. Either party may request that the Title IX Coordinator review the need for or terms of any Supportive Measure affecting them, including by providing relevant evidence.

D. Confidentiality of Supportive Measures: The College will maintain the confidentiality of any Supportive Measures provided unless disclosure is necessary to implement them, to ensure continued access to the College's programs or activities, or as otherwise required by law. Where applicable, the Title IX Coordinator may consult with the Office of Disability Services to ensure compliance with disability laws.

E. Confidentiality Exceptions: Information about Supportive Measures may be disclosed if:

1. The Complainant or Respondent consents to the disclosure.
2. Such disclosure is reasonably necessary to carry out the purposes of the College's policy.
3. Disclosure is required by federal, state, or local law, by a federal grant or funding agreement, or is otherwise permitted under FERPA.

X. Resolving Formal Complaints

Following an intake assessment and receipt of a Formal Complaint, the Title IX Coordinator will initiate the complaint resolution process. These procedures offer two forms of resolution of Complaints of Prohibited Conduct: (1) Formal Resolution, which involves a formal investigation and adjudicatory hearing. The College may consolidate complaints alleging Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances; (2) Informal Resolution, which includes a variety of informal options for resolving Formal Complaints, set forth below in Section X, and;

The Formal Grievance Procedure ensures a fair, thorough, and transparent process for addressing allegations of Prohibited Conduct under the College's Title IX Policy. This section outlines key procedural steps, including notification of parties, ongoing updates during investigations, employee responsibilities, and resolution processes. It aims to safeguard the rights of all involved while maintaining compliance with federal regulations and institutional policy.

A. Dismissal of a Formal Complaint

The dismissal of a Formal Complaint is an essential procedural safeguard that ensures Title IX investigations focus on allegations that fall within the scope of federal regulations. This section explains the circumstances under which a Formal Complaint may be dismissed, either mandatorily or permissively, and outlines the process for notifying parties and appealing dismissal decisions.

1. Mandatory Dismissal

The Title IX Coordinator must dismiss a Formal Complaint for any form of Title IX Prohibited Conduct if any of the following circumstances are met:

- a. Even if proved, the misconduct alleged in the Formal Complaint would not

constitute any form of Title IX Prohibited Conduct.

- b. The conduct alleged in the Formal Complaint did not occur in the College's education program or activity; or
- c. The misconduct alleged in the Formal Complaint is not alleged to have occurred in the United States.

Dismissal of Title IX Prohibited Conduct for the foregoing reasons does not preclude the College from proceeding with the charges under other forms of misconduct, including Non-Title IX Prohibited Conduct as covered under this policy.

2. Permissive Dismissal

The Title IX Coordinator may dismiss the Formal Complaint for any form of Title IX Prohibited Conduct and/or Non-Title IX Prohibited Conduct any time prior to a final determination under the formal resolution process or an agreement under an informal resolution process, if:

- a. A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint, or any allegations raised in the Formal Complaint;
- b. The Respondent is no longer enrolled or employed by the College;
- c. A Complainant stops participating in the investigative process or refuses to participate in the process; or
- d. If specific circumstances prevent the College from gathering sufficient evidence to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

If a Formal Complaint is dismissed, the involved parties will receive simultaneous written electronic notice of the dismissal, including the reason for the dismissal. Any party may appeal the decision by submitting a request in writing for appeal to the Title IX Coordinator within five (5) business days of the date of the notice from the Title IX Coordinator. The appeal will be determined using the procedures set forth in this Policy.

B. Notice of Formal Complaint

This section outlines the procedures for notifying parties of a Formal Complaint, including the issuance of a Notice of Allegation (NOA) and any additional notices required as the investigation progresses. It also details key procedural requirements, such as employee participation, administrative leave, and the presumption of non-responsibility.

1. Written Notice of Allegation (NOA): Upon receipt of a Formal Complaint, the Title IX Coordinator will provide the following to the parties who are known:

- a. Notice of Allegation (NOA) which outlines allegations of Prohibited Conduct, including details known at the time such as the identities of the parties involved in the incident, the conduct allegedly constituting Prohibited Conduct, and the date and location of the alleged incident(s).
- b. The College's grievance process, including any informal resolution process.

- c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
 - d. Notice that the parties may have an Advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence presented.
 - e. Notice of any provision in the College's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
 - f. If only a portion of the alleged Prohibited Conduct justifies continuing to the hearing process, the Title IX Coordinator or designee will also specify in the notice which part(s) of the alleged Prohibited Conduct will be the subject of the hearings.
2. **Ongoing notice requirement:** If, during an investigation, the College decides to investigate allegations about the Complainant or Respondent that are not included in the original notice provided, the College will provide notice of the additional allegations to the parties whose identities are known.
 3. **Employee Obligation to Participate:** All employees of the College are required to participate as a witness in, or otherwise assist with, a Title IX investigation, proceeding, or hearing. Failure or refusal to participate would be considered a violation of College policy.
 4. **Administrative Leave:** In accordance with Title IX regulations, the College may place a Non-Student Employee Respondent on administrative leave during the grievance process after receiving a formal complaint. This action will consider any rights afforded under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA).
 5. **Acceptance of Responsibility Prior to Hearing:** At any time prior to the date of their designated hearing, the Respondent may elect to acknowledge their actions and take responsibility for the alleged Prohibited Conduct. In such a situation, the Title IX Coordinator or designee will propose sanction(s). If the Complainant and the Respondent agree to such proposed sanction(s), then the complaint will be resolved without a hearing and without any further rights of appeal by any party. If either the Complainant or Respondent objects to such proposed sanction(s), then the Adjudicator will determine a sanction. The decision of the Adjudicator regarding sanctions may be subject to appeal.
 6. **Presumption of Non-Responsibility:** The Respondent is presumed not responsible for a policy violation unless determined otherwise through the resolution process. This presumption remains in place until a final determination is made, including the outcome of any appeal. The Respondent will only be found responsible for a policy violation if the Adjudicator determines, based on a "preponderance of the evidence"

standard, that it is more likely than not that the Respondent engaged in sexual misconduct. If the decision is appealed, the finding of responsibility must be upheld to confirm the Respondent's responsibility.

C. Investigation of a Formal Complaint

After the parties receive the Notice of Allegation (NOA) an Investigator will contact both the Complainant and the Respondent individually. When investigating a formal complaint and throughout the grievance process, the College will:

- 1. Ensure the Burden of Proof Rests on the College:** The burden of proof and the responsibility for gathering evidence sufficient to reach a determination regarding responsibility rest on the College, not on the parties.
- 2. Provide Opportunities to Prepare and Present Evidence:** Give both parties sufficient opportunity to prepare for their interviews and to submit any evidence they believe is relevant to the allegations.
- 3. Offer Equal Opportunity to Present Witnesses and Evidence:** Provide an equal opportunity for the parties to present witnesses—including fact and expert witnesses—and other inculpatory and exculpatory evidence.
- 4. Allow Parties to Discuss Allegations and Gather Evidence:** Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- 5. Protect Privileged Medical Records:** Not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional capacity, unless the College obtains that party's voluntary, written consent.
- 6. Ensure Equal Opportunity to Have Others Present:** Ensure that both parties have equal opportunities to have others present during any grievance proceeding. Each party may be accompanied by a Support Person and/or an Advisor of their choice at any related meeting or proceeding. The chosen Advisor may, but is not required to, be an attorney. The College will not limit the choice or presence of an Advisor for either party but may set restrictions on the Advisor's level of participation, provided these restrictions are applied equally to both parties.
- 7. Provide Advance Notice of Meetings and Hearings:** Provide written notice to a party whose participation is invited or expected, including the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare.
- 8. Encourage Timely Presentation of Evidence:** Encourage parties to present all relevant information and evidence in a timely manner during the investigation and designated review and response period. While late evidence is not automatically prohibited, information reasonably discoverable through due diligence and not provided during these stages may, without good cause, be given less weight in determining responsibility. The decision to consider such evidence is at the discretion of the

Investigator, Adjudicator, or Appellate authority, as appropriate.

- 9. Draft a Preliminary Investigative Report:** Upon completing the investigation, the Investigator will draft a Preliminary Investigative Report that includes all relevant and directly related evidence considered. This Preliminary Report does not make or recommend any determination of responsibility; that determination is made by the Adjudicator after the hearing.
- 10. Provide Access to Evidence and Allow Parties to Review and Respond:** The College will make the Preliminary Report, along with all evidence obtained as part of the investigation that is directly related to the allegations, available to each party and their Advisor, if any, in electronic format or hard copy. This includes evidence the College does not intend to rely on in reaching a determination regarding responsibility, and both inculpatory and exculpatory evidence. The parties will have ten (10) business days to inspect and review the evidence and submit a written response, which the Investigator will consider before finalizing the Investigative Report. This allows each party to meaningfully respond before the investigation concludes.
- 11. Provide Notice Before Issuing the Final Investigative Report:** After considering any additional comments or information provided by the parties during the review period—and unless significant additional investigative steps are needed—the Investigator will prepare a final Investigative Report that fairly summarizes the relevant evidence. The parties will be given a 24-hour notice before the final Investigative Report is issued. The final report will be made available to each party and their Advisor, if any, in electronic format or hard copy at least ten (10) business days before a hearing or other determination regarding responsibility, for their review.
- 12. Make Relevant Evidence Available at the Hearing:** The College will ensure all relevant evidence collected during the investigation, including any evidence appended to or included in the Final Investigative Report, is available at any hearing. Each party will have an equal opportunity to refer to this evidence during the hearing, including for cross-examination.

D. Designation of the Adjudicator

Randolph College uses a single adjudicator model for resolving Formal Complaints. The Title IX Coordinator or their designee will select the Adjudicator, who must be an individual other than the Title IX Coordinator or Investigator(s) and who is trained to handle cases of Prohibited Conduct under this Policy. Upon selection, the Title IX Coordinator or designee will provide the Adjudicator with the Formal Complaint and the Investigative Report.

Written notice of the Adjudicator's designation will be provided to the Complainant, Respondent, and their Advisors. Either party may challenge the Adjudicator's participation on the grounds of actual bias or conflict of interest by submitting a written objection to the Title IX Coordinator or designee. This objection must be submitted within five (5) business days of

receiving the notice and must include specific reasons for the challenge. The Title IX Coordinator or designee will review the objection and determine whether to assign a different Adjudicator. Any changes to the Adjudicator's designation will be communicated in writing to both parties before the first hearing.

Within the same five (5) business day period, the Complainant and the Respondent must also submit a list of proposed witnesses to the Title IX Coordinator or designee. Each witness list should include a brief description of the witness's connection to the case or knowledge of the issues in dispute. The Title IX Coordinator or designee will provide this information to the Adjudicator for consideration.

E. Prehearing Conference

The Title IX Coordinator or designee will convene a prehearing conference to plan for the hearing and address important topics. These include the hearing agenda, procedures and protocols, expectations for all participants, and confirmation that the Complainant, Respondent, and their Advisors have reviewed the evidence. Participants in the prehearing conference may include the Complainant, the Respondent, their Advisors, the Adjudicator, and the Investigator.

During the prehearing conference, parties are encouraged to submit any questions they would like the Adjudicator to ask the other party during the hearing. Submitting questions in advance allows the Adjudicator to review them for relevance and appropriateness, which helps streamline the hearing process. While parties are not prohibited from proposing new questions during the hearing, submitting questions beforehand facilitates a more efficient proceeding and enables the Adjudicator to prepare effectively. The Title IX Coordinator or designee will ensure that both the witness lists and any pre-submitted questions are provided to the Adjudicator for consideration.

F. Hearing Procedures

This section outlines the steps and guidelines for the formal adjudication of complaints. A live hearing will be conducted to address and decide on Formal Complaints, during which cross-examination will be conducted by each party's Advisor. If a party does not have an Advisor, the College will provide one specifically for conducting cross-examination. Only relevant questions may be posed to any party or witness. Following the hearing, the Adjudicator will issue a detailed written rationale for their findings on each allegation. This written determination will include the decision regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies aimed at ensuring the Complainant's continued equal access to the College's Educational Programs or Activities. The Title IX Coordinator is responsible for overseeing the effective implementation of these remedies.

If only a portion of the alleged Prohibited Conduct justifies proceeding to the hearing process, the Title IX Coordinator or designee will specify in the notice which part(s) of the alleged Prohibited Conduct will be the subject of the hearings.

- 1. Notice of the Hearings:** Within five (5) to ten (10) business days after notifying the parties of the Adjudicator's designation, the Title IX Coordinator or designee will send a separate

notice to the Complainant, the Respondent, their Advisors, and any witnesses or third parties whose testimony the Adjudicator considers relevant. This notice will request their appearance at the hearing and include details such as the date, time, and location of the hearing.

In the notices sent to the Complainant and Respondent, the names of any witnesses or third parties the Adjudicator intends to call will also be provided.

- 2. Advisors at the Hearing:** If a party does not have an Advisor present at the live hearing, the College will provide an Advisor of the College's choice, without fee or charge to that party, to conduct cross-examination on behalf of that party.
- 3. Expected Decorum:** The following Expectations of Decorum are to be observed in the hearing, during cross-examination, and as applicable to any meetings associated with resolution of a Formal Complaint; they apply equally to all parties and Advisors. The Title IX Coordinator will have the authority to remove from the meeting, process, or hearing an involved party and/or Advisors who do not comply with the Expectations of Decorum:
 - a. Questions must be conveyed in a neutral tone.
 - b. Parties and Advisors will refer to other parties, witnesses, Advisors, and College staff using the name and gender used by the person and shall not intentionally misname or misgender that person in communication or questioning.
 - c. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, Advisors, or Adjudicator(s).
 - d. While an Advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
 - e. The Advisor may not yell, badger, or physically "lean in" to a party's or witness's personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Adjudicator.
 - f. The Advisor may not use profanity or make irrelevant ad hominem attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
 - g. Parties and Advisors must not take any action at the hearing that a reasonable person in the position of the affected party would view as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.
- 4. Testimony and Evidence:** During the live hearing, the presentation and evaluation of testimony and evidence are critical to ensuring a fair and equitable resolution process. The following guidelines outline the requirements and limitations for cross-examination, the handling of absent parties or witnesses, and the admissibility of evidence.
 - a. Cross-Examination by Advisors** - The Adjudicator must permit each party's Advisor to ask relevant questions and follow-up questions, including those that

challenge credibility, of the other party and any witnesses. Cross-examination must be conducted directly, orally, and in real time by the party's Advisor of choice and cannot be conducted personally by a party, regardless of the extent to which the College may otherwise limit Advisor participation in the proceedings. Before a party, witness, or other individual answers a question, the Adjudicator must determine whether the question is relevant. The Adjudicator must explain any decision to exclude a question as not relevant.

- b. Restrictions on Evidence** - This section outlines evidentiary guidelines to ensure a fair, impartial, and respectful hearing process. It establishes parameters for admissibility and relevance, focusing on protecting the privacy of parties and upholding the integrity of the grievance process. Specific considerations include restrictions on evidence regarding past sexual behavior, repetitive questioning, and other evidentiary concerns critical to Title IX compliance.

The Adjudicator will determine the relevance of all evidence and testimony. Evidence deemed irrelevant will be excluded from consideration, with an explanation provided for any excluded evidence or questions.

- i. Past Sexual Behavior** - Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
 - ii. Unnecessary Repetition (also known as "Asked and Answered")** - To maintain focus and prevent unnecessary repetition or harassment during the hearing, parties are not allowed to ask questions that have already been fully answered. The Adjudicator will determine when a question has been sufficiently addressed and may instruct the questioning party to proceed. Advisors are prohibited from asking repetitive questions during cross-examination or direct testimony, including those previously asked by the Adjudicator(s). If the Adjudicator deems a question has been "asked and answered" or is otherwise not relevant, the Advisor must move on to the next question.

- c. Automatic Inclusion of the Investigative Report** - The Investigative Report will be automatically admitted as evidence during the hearing. The Adjudicator retains the final authority to determine the relevance of all evidence, which will serve as the basis for their decision regarding responsibility.

- 5. Logistics:** Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

At the request of either party, the College will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Adjudicator and parties to simultaneously see and hear the party or the witness answering questions.

- 6. Recording:** The College will create an audio or audiovisual recording of every live hearing. This recording will be made available to both parties for inspection and review upon request.

G. Determination Regarding Responsibility

At the conclusion of the hearing(s), the Adjudicator will issue a written determination regarding responsibility. To reach this determination, the College applies the preponderance of the evidence standard. Sanctions for a finding of responsibility depend on the nature and severity of the misconduct and may also consider any prior discipline for Prohibited Conduct. Possible sanctions imposed by the College include but are not limited to: probation; conduct warning; suspension; expulsion; termination; organizational sanctions including probation and rescinding recognition; and/or any other educational and/or remedial measures to eliminate, prevent or address the Prohibited Conduct. In the most serious cases, suspension, expulsion, or termination is likely.

1. The written determination will include:

- a. Identification of the allegations potentially constituting Prohibited Conduct;
- b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. Findings of fact supporting the determination;
- d. Conclusions regarding the application of the College's Policy to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant; and
- f. The College's procedures and permissible bases for the Complainant and Respondent to appeal.

The Title IX Coordinator is responsible for effective implementation of any remedies and/or sanctions. Additionally, sanctions imposed are not effective until the resolution of any timely appeal. However, if it is advisable to protect the welfare of the Complainant, witnesses, or members of the College community, the Adjudicator (or other decision-making body, if applicable) may recommend, and the Title IX Coordinator may determine, that any sanctions be effective immediately and continue in effect until such time as the appeal process is exhausted.

2. **Final Accommodations and Corrective Action:** In addition to any sanctions imposed on the Respondent, promptly following the conclusion of the hearings and the Adjudicator's issuance of a determination of responsibility, the Title IX Coordinator or designee will determine the final accommodations to be provided to the Complainant, if any, and the Title IX Coordinator or designee will communicate such decision to the Complainant and, to the extent that it affects them, to the Respondent.
3. **Final Outcome Letter:** Within twenty (20) business days following the conclusion of the hearings, the Adjudicator will issue a written decision letter. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

H. Right to Appeal

Both Complainant and Respondent have the right to appeal a determination regarding responsibility or the College's dismissal of a Formal Complaint or any allegations. Appeals may be filed on one or more of the following bases:

1. Grounds for Appeal

Appeals may be filed based on:

- a. **Procedural Irregularity:** A procedural error occurred that impacted the outcome of the matter.
- b. **Newly Available Evidence:** New evidence that was not reasonably available during the initial determination process and could potentially impact the outcome.
- c. **Conflict of Interest or Bias:** The Title IX Coordinator, Investigator(s), or Adjudicator had a conflict of interest or bias that affected the outcome, either against Complainants or Respondents generally or the individual Complainant or Respondent specifically.

2. Appeal Submission & Review Procedure

To initiate an appeal, the appealing party must submit a written appeal to the Title IX Coordinator within five (5) business days from the date of the final outcome letter. Upon timely receipt of the appeal, the Title IX Coordinator will:

- a. **Notify the Opposing Party:** Provide written notification to the other party when an appeal is filed and implement appeal procedures equally for both parties.
- b. **Appointment of Appellate:** Assign an impartial third-party for the appeal who was not involved in the original determination, investigation, or Title IX coordination.
- c. **Compliance with Policy Standards:** Ensure that the Appellate meets the qualifications and standards outlined in this policy.
- d. **Provide Opportunity for Written Statements:** Offer both parties an equal and reasonable opportunity to submit written statements in support of, or challenging, the determination.
- e. **Issue a Decision on the Appeal:** Deliver a written decision that details the result

of the appeal and the rationale behind it.

- f. **Simultaneous Notification:** Provide both parties with the appeal decision simultaneously.

3. Determination Regarding Appeal

In reviewing an appeal, the Appellate will evaluate the case and make one of the following determinations:

- a. The decision of the Adjudicator should stand;
- b. The decision of the Adjudicator should be overturned; or
- c. Additional hearings should occur, or further evidence should be obtained before reaching an appellate determination.

If the Appellate determines that the decision of the Adjudicator should be overturned, or that additional hearings or evidence are necessary, they will specify the appropriate steps required to reach a final resolution of the complaint. This may include, but is not limited to, conducting a new hearing or holding a series of hearings before a different Adjudicator.

4. Appeals of the Sanction:

Similarly, the sanctions imposed on a Respondent may be appealed on grounds that the severity of the sanction is disproportionate to the gravity of the Prohibited Conduct for which the Respondent was found responsible. Appeals must be made in writing to the Title IX Coordinator within five (5) business days. Upon timely receipt, the Title IX Coordinator will do the following:

- a. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- b. Ensure that the Appellate is not the same person as the Adjudicator that reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator;
- c. Ensure that the Appellate complies with the standards set forth in this Policy;
- d. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- e. Issue a written decision describing the result of the appeal and the rationale for the result; and
- f. Provide the written decision simultaneously to both parties.

I. Timeframe

The College's investigation and resolution of a complaint will be completed within a reasonable time of receipt of the complaint. This process may be extended for good cause by the Title IX Coordinator. Any party may request an extension of any deadline by providing the Title IX Coordinator with a written request. The Title IX Coordinator may modify any deadlines contained in this policy as necessary and for good cause and shall notify both parties accordingly. Generally, each major phase of the process will be completed in the following timeframes:

1. Review of Formal Complaint and Notice of Allegation (NOA) sent to the parties: ten (10) business days.
2. Investigation: sixty (60) to ninety (90) business days.
3. Adjudication: twenty-five (25) business days.
4. Appeal: twenty (20) business days.

J. Academic Transcript Notations

As required by the Code of Virginia (§ 23.1-900), the College will include a notation on the academic transcript of any student who has been suspended, expelled (permanently dismissed), or who withdraws from the College while under investigation for Prohibited Conduct involving sexual violence. In cases of suspension and expulsion this transcript notation will read: "*[Suspended or Expelled] for a violation of the College's Code of Conduct.*" In cases of withdrawal, the notation will read: "*Withdrew while under investigation for a violation of College's Code of Conduct. This withdrawal as noted does not constitute a finding or admission of responsibility on the part of the student.*"

The College shall remove from a student's academic transcript any notation placed on such transcript due to a student's suspension if the student (1) completed the term of the suspension and (2) the student is eligible to apply for reinstatement.

The College shall remove from a student's academic transcript any notation placed on such transcript due to a student's dismissal after a period of three (3) years and good cause shown. Good cause will be determined by the Title IX Coordinator.

XI. Informal Resolution Procedures

Informal Resolution provides the opportunity for the Complainant and Respondent to resolve allegations of Prohibited Conduct without an investigation or hearing. Participation in Informal Resolution instead of the Formal Complaint Resolution Process is purely voluntary. For Title IX Prohibited Conduct, Informal Resolution is available only when a Formal Complaint has been filed and the parties agree to its use in writing. For cases involving Non-Title IX Prohibited Conduct, the Title IX Coordinator may use any form of Informal Resolution and need not strictly follow the procedures set out in this section. Informal Resolution may be used only with the approval of the Title IX Coordinator, who may deem its use inappropriate based on the specific allegations involved or other factors. Informal Resolution is not available to resolve a student-Complainant's allegation that an employee has engaged in Title IX Prohibited Conduct.

A. Written Notice Prior to Informal Resolution

Prior to initiating Informal Resolution, the Title IX Coordinator will provide the Parties with written notice disclosing the following:

1. The specific allegations and the specific conduct that is alleged to have occurred.
2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from

the same allegations, if any, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

3. Any consequences resulting from participating in the informal resolution process, including:
 - a. that any statements or disclosures made by the parties during the course of the informal resolution will not be considered in a subsequent investigation and Formal Resolution;
 - b. that any facilitator chosen by the Title IX Coordinator to oversee informal resolution may not serve as a witness in the event the Formal Resolution process commences; and
 - c. identification of any records that will be maintained or could be shared.
4. Any consequences that may result from not participating in the alternative resolution process, including the possibility of the College conducting an appropriate adjudication process.
5. A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the Respondent is presumed not responsible, unless and until, at the conclusion of the formal investigation and adjudication processes, there is a determination of responsibility.
6. An explanation that each party may be accompanied by an Advisor.
7. An opportunity for the parties to meet with the Title IX Coordinator separately to learn more about the alternative resolution process and the adjudication process.
8. Information regarding Supportive Measures, which are available equally to the Respondent and to the Complainant.
9. An explanation that the Informal Resolution process is generally expected to be completed within thirty (30) business days, but may be extended for good cause by the Title IX Coordinator.
10. Obtains the parties' voluntary, written consent to the informal resolution process.

Informal Resolution can be commenced at any point prior to the conclusion of a Hearing under the Formal Resolution Processes. It may be conducted by an Informal Resolution Facilitator appointed by the Title IX Coordinator. The Complaint, Respondent, Title IX Coordinator, or Facilitator may terminate Informal Resolution at any time prior to its completion. If Informal Resolution is terminated, the Formal Resolution Process will promptly commence or resume, as appropriate.

B. Informal Resolution Options

Informal Resolution may take many forms as agreed to between the Complainant, Respondent and Title IX Coordinator, including, but not limited to:

1. **Mediation:** Mediation may involve the Complainant and Respondent being in the

same or different rooms, but they will never be required to be in the same room. Mediation typically does not require an admission of responsibility for the Prohibited Conduct by the Respondent.

- 2. Restorative Justice:** Restorative Justice may involve the Complainant and Respondent being in the same or different rooms, but they will never be required to be in the same room. Restorative Justice typically requires an admission of responsibility for the Prohibited Conduct, or certain allegations, by the Respondent.
- 3. Educational Programming/Training:** Targeted or broad-based educational programming or training for relevant individuals or groups may be provided by the Title IX Coordinator, or the facilitator of their choice based upon an agreement of the involved parties.

If a mutually agreeable resolution cannot be reached, the facilitator shall send each party written notification of that fact. The Title IX Coordinator shall then resume the resolution process with respect to the Formal Complaint and will maintain a copy of the written notification in their confidential file.

The outcome of the Informal Resolution will be documented in an agreement or other form that is signed by both the Complainant and the Respondent. Informal Resolution will not be used to impose disciplinary action against the Respondent and will not be reported to third parties; however, it may be taken into consideration in the event of future findings of responsibility for Prohibited Conduct or other violations of the College's policies.

The Informal Resolution process should typically be completed within thirty (30) business days of the parties documenting their agreement to participate. This period may be extended at the discretion of the Title IX Coordinator. The Title IX Coordinator will maintain records of all reports referred for Informal Resolution.

XII. Training, Education, and Prevention

A. Training for Title IX Staff and Facilitators

The College will ensure that any individual serving as a Title IX Coordinator, Investigator, Adjudicator, Appellate, or facilitator of a resolution process has comprehensive training to conduct their roles impartially and effectively. Training requirements include:

1. Content-Specific Training:

- a. Title IX Coordinators, Investigators, Adjudicator, Appellate, and Facilitators:** Training will cover definitions of sexual harassment and Prohibited Conduct, the scope of the College's Educational Programs or Activities, and procedures for investigations, grievance processes, hearings, appeals, and informal resolutions.
- b. Adjudicator:** Additional training will be provided on relevant technologies for live hearings, the relevance of evidence, and criteria for excluding certain questions, such as those relating to a Complainant's sexual history.

- c. **Investigators:** Specific training focuses on issues of relevance to create fair and thorough Investigative Report that accurately summarize relevant evidence.
- 2. **Non-Discrimination and Trauma-Informed Approaches:** All staff will receive annual training on non-discrimination, trauma-informed approaches, and procedural fairness. Training will also cover the dynamics of sexual misconduct, credibility assessment, evaluation of consent and incapacitation, and sensitive handling of information.
- 3. **Conflict of Interest and Impartiality:** Staff will be trained to avoid conflicts of interest, biases, and prejudgments, ensuring impartiality towards all participants. They are required to operate free from bias against or for any individual or group.

B. Educational Training and Prevention Programs

The College offers training programs for students, staff, and faculty, both online and in-person, with the aim of promoting a safe and respectful environment. These include:

1. Student Training:

- a. **Incoming Students:** First-year and transfer students receive prevention and awareness training during orientation, covering topics such as healthy relationships, recognition and reporting of sexual violence, dating violence, stalking, and sexual harassment.
 - b. **Specialized Programs for Student Leaders:** Programs include bystander intervention and mandated reporting training.
 - c. **Athletics:** Student-athletes receive training to ensure compliance with NCAA policies and Title IX regulations. This includes education on recognizing, preventing, and responding to sexual misconduct, Title IX reporting procedures, bystander intervention strategies to encourage proactive engagement, and the requirement for student-athletes to annually disclose any conduct resulting in Title IX discipline or criminal convictions for acts of violence (Student-Athlete Serious Misconduct Disclosure Form).
- 2. **Ongoing Employee and Community Training:** The College provides regular training on the Policy, reporting obligations, individual rights and responsibilities, and maintaining a harassment-free environment. Topics include definitions of Prohibited Conduct, available resources, the role of the Title IX Coordinator, bystander intervention, risk reduction, violence impacts, and relevant state and federal compliance.
 - 3. **Program Implementation and Oversight:** The Title IX Coordinator, along with Deputy Coordinators, the Dean of Students, Provost, and Director of Athletics, is responsible for managing educational initiatives and tailoring programming to campus needs and climate.

XIII. Related Policies

For Students:

- *Randolph College Student Handbook*
- *Randolph College Pregnancy and Related Conditions and Parenting Student Policy*

For Staff:

- *Employee Handbook*
- *Randolph College Parental Leave Policy*

For Faculty:

- *Faculty Handbook*
- *Employee Handbook*
- *Randolph College Parental Leave Policy*