

**COLLEGE UNBOUND
TITLE IX POLICY
UPDATED: OCTOBER 2024**

PURPOSE OF POLICY

On August 1, 2024, the United States Department of Education and the Office for Civil Rights (“OCR”) implemented Title IX regulations that govern how institutions of higher education that receive federal funding must respond to allegations of sex-based harassment.

This document describes College Unbound’s (“CU”) Title IX Sex-Based Harassment policy and procedures in accordance with the 2024 amendments. Incidents that do not meet the definitions of prohibited conduct described herein or other criteria outlined in this Title IX policy will be referred to other CU departments as appropriate.

NON-DISCRIMINATION

CU prohibits all forms of discrimination on the basis of sex in its education programs and activities and is required by Title IX of the Education Amendments of 1972 (“Title IX”) and its implementing regulations not to discriminate in such a manner. According to Title IX, “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.”

This prohibition against discrimination on the basis of sex applies to incidents of sex-based harassment as defined by 34 C.F.R. § 106.30, as well as dating violence, domestic violence, sexual assault, and stalking as defined by the Violence Against Women Reauthorization Act of 2013. Sexual harassment, including sexual violence, is a form of sex discrimination that is illegal under both federal and applicable state laws and regulations.

APPLICABILITY AND SCOPE

This policy applies to all CU community members, including faculty, Lab faculty and instructional faculty, part-time and full-time staff, students, and participants in CU programs or activities. In certain situations, this policy may also apply to other individuals, such as contractors, visitors, volunteers, and/or other third parties.

The policy and procedures described herein only apply to allegations of sex-based harassment that meet the Title IX regulatory definition of sex-based harassment and conduct that has occurred within CU’s education programs or activities in the United States. For purposes of this policy, an education program or activity includes locations, events, or circumstances over which CU exercises substantial control over both the Respondent and the context in which the Title IX sex-based harassment occurs.

RELEVANT DEFINITIONS

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Coercion is unreasonable or sustained pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is a clear, informed, knowing and voluntary agreement to engage in specific sexual activity. Consent to one type of sexual activity does not equal consent to other types of sexual activity. Consent can be withdrawn at any point during sexual activity, wherein the sexual activity must stop immediately. A verbal “no” establishes lack of consent. Silence, without clear actions demonstrating permission, cannot be assumed to indicate consent—the absence of “no” does not equal “yes.” Consent cannot be obtained by coercion, force, intimidation, or threat. Consent cannot be given by someone if they are mentally or physically incapacitated.

CU strongly encourages students who choose to engage in sexual conduct to verbally communicate their intentions and consent as clearly as possible.

Complainant is (1) a CU student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or (2) a person other than a CU student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in CU’s education program or activity at the time of the alleged sex discrimination.

Respondent is any individual who has been alleged to be the perpetrator of sex-based harassment that is prohibited under this policy.

Complaint is an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Disciplinary sanctions are consequences imposed on a respondent following a determination under Title IX that the respondent violated CU’s prohibition on sex discrimination. **Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force can include intimidation or implied threats to overcome an individual’s resistance or produce consent. There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent.

Incapacitation is a state where an individual is temporarily or permanently impaired to the extent where that person can no longer make a rational and informed decision to consent to sexual activity. Incapacitation may be caused by mental or physical disability, or when a person has consumed alcohol or other drugs, including prescribed medication. Individuals who are asleep or unconscious are incapacitated. A person who does not comprehend the “who, what, when, where, why or how” of a sexual interaction may be incapacitated.

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Indicators of alcohol-related incapacitation may include, but are not limited to, stumbling or shaky equilibrium, vomiting, slurred speech, bloodshot eyes, smell of alcohol, outrageous or unusual behavior, unconsciousness (for short or long periods of time), elevated blood alcohol level, sleeping, blackout, or loss of memory.

Intimidation is defined as overt or implied threats or acts that would cause reasonable fear of harm in another.

Parental status means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

- A biological parent;
- An adoptive parent;
- A foster parent;
- A stepparent;
- A legal custodian or guardian;
- In loco parentis with respect to such a person; or
- Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

Party is a complainant or respondent.

Pregnancy or related conditions means:

- Pregnancy, childbirth, termination of pregnancy, or lactation;
- Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Preponderance of the Evidence standard is met if the greater weight of the evidence demonstrates that it is “more likely than not” that a violation has occurred.

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

Interim measures are individualized services offered as appropriate to either or both the reporting and responding parties involved in an alleged incident of sexual misconduct, prior to an investigation or while an investigation is pending. Interim measures include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar accommodations.

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Supportive measures are individualized services to restore or preserve equal access to education, protect student and employee safety, or deter sexual harassment. Supportive measures must be offered even if a complainant does not wish to initiate or participate in a grievance process.

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

Respondent is any individual who has been alleged to be the perpetrator of sex-based harassment that is prohibited under this policy.

ROLE OF THE TITLE IX COORDINATOR

In compliance with Title IX requirements, CU has named Guernsey Myrna Jean, Director of Payroll, Benefits, & Student Accounts as its Title IX Coordinator. The responsibilities of the Title IX Coordinator and/or other Deputy Title IX Coordinators include, but are not limited to, the following:

1. Oversee compliance with the Title IX statute and implementing regulations, and review CU Title IX policies and procedures accordingly;
2. Receive and assess reports of prohibited conduct in violation of this policy made by any person through the reporting means described herein;
3. Identify any barriers to reporting prohibited conduct that may exist within CU's education program or activity;
4. Respond to reports of prohibited conduct, promptly and effectively, in a way that is not deliberately indifferent;
5. Coordinate and oversee the administration of all Title IX formal complaints, alternate/informal resolution processes, formal grievance processes, and appeals processes described herein;
6. Oversee the effective implementation of supportive measures, remedies, and disciplinary sanctions;
7. Coordinate and develop programming and informational initiatives that enable individuals to understand sex-based harassment as a form of sex discrimination; and
8. Educate community members about CU Title IX policy and procedures.

The Title IX Coordinator reserves the right to delegate some of the aforementioned responsibilities to other CU employees who meet the requirements described in the "Roles of Professionals Involved in the Alternate/Informal Resolution Process and Formal Grievance Process" section below.

The Title IX Coordinator's contact information is as follows:

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- Name: Guernsey Myrna Jean
- Role: Title IX Coordinator
- Office Location: 201 Rouse Blvd. Philadelphia, PA 19112
- Office Mailing Address: P.O. Box 28173 Providence, RI 02908
- Phone Number: (215) 258-4111
- Email Address: guernsey.jean@collegeunbound.edu

PROHIBITED CONDUCT DEFINED

Title IX Sex Discrimination

Title IX Sex Discrimination is discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Title IX Sex-Based Harassment

Title IX Sex-Based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including: (1) Quid Pro Quo Harassment; (2) Hostile Environment Harassment; or (3) Specific Offenses.

1. *Quid Pro Quo Sex-Based Harassment* occurs when an employee, agent, or other person authorized by CU to provide an aid, benefit, or service under CU's education program or activity explicitly or impliedly conditions the provision of an aid, benefit, or service of CU's education program or activity on an individual's participation in unwelcome sexual conduct.
2. *Hostile Environment Sex-Based Harassment* occurs when unwelcome sex-based conduct, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from CU's education program or activity.

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. The degree to which the conduct affected the complainant's ability to access CU's education program or activity;
- b. The type, frequency, and duration of the conduct;
- c. The parties' ages, roles within CU's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- d. The location of the conduct and the context in which the conduct occurred; and
- e. Other sex-based harassment in CU's education program or activity.

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3. *Specific Offenses* refers to conduct that constitutes “sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Sexual Assault includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.

- a. Rape is the carnal knowledge of a person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- b. Sodomy is oral or anal sexual intercourse with another person, without the consent of that person, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- c. Sexual Assault with an Object is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- d. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- e. Incest is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- f. Statutory Rape is nonforcible sexual intercourse with a person who is under the statutory age of consent.

Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on consideration of the following factors:

- a. The length of the relationship;
- b. The type of relationship; and
- c. The frequency of interaction between the persons involved in the relationship.

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving

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grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking, including but not limited to in-person and cyber-stalking, means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- a. fear for their safety or the safety of others; or
- b. suffer substantial emotional distress.

Title IX Retaliation

Title IX Retaliation means intimidation, threats, coercion, or discrimination against any person by CU, a student, or an employee or other person authorized by CU to provide aid, benefit, or service under CU's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, including in an informal resolution process. CU is not precluded from requiring an employee or other person authorized by CU to provide aid, benefit, or service under CU's education program or activity to participate as a witness in, or otherwise assist with, an investigation or proceeding. Peer retaliation means retaliation by a student against another student.

CU must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sex-based harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by federal or Rhode Island state law, including the conduct of any investigation, or judicial proceeding arising thereunder.

Complaints alleging retaliation may be filed according to the policy described herein.

ACADEMIC FREEDOM

CU is committed to the principles of Academic Freedom as found in the CU [Faculty Handbook](#). Reported conduct that is deemed protected under the Academic Freedom policy must be reviewed consistent with rights that would otherwise be protected from government action by the First Amendment.

CONFIDENTIALITY/PROHIBITION ON DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

CU shall not disclose any personally identifiable information ("PII") obtained in the course of complying with Title IX, including the identity of any individual who has made a report or filed

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a formal complaint of sex-based harassment under this policy, any individual who has been reported to be the perpetrator of sex-based harassment, any Respondent, or any witness. CU will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of CU to provide the supportive measures.

CU may reveal PII if written consent is obtained from the person whom the PII is related to, as permitted or required by law, or to carry out the purposes of this policy, including conducting any investigation, or proceeding arising thereunder.

Although CU will make all reasonable efforts to maintain privacy and confidentiality, CU will not restrict the ability of any party to discuss the allegations under investigation or to gather and present relevant evidence. However, the prohibition against retaliation continues to apply to all parties.

Certain types of Sex-Based Harassment are considered crimes for which CU must disclose crime statistics in [insert name of report if one exists] that is provided to the campus community and available to the public. In these instances, CU will continue to complete publicly available recordkeeping in accordance with relevant laws, including the Clery Act reporting and disclosures, without the inclusion of personally identifying information about the parties. In addition, CU will issue “Timely Warnings” in compliance with the Clery Act to alert the campus community about crimes that pose a serious or continuing threat to safety. Timely Warnings may be issued for ongoing or imminent threats, both on- and off-campus, and will aid in the prevention of similar occurrences. The decision to issue a Timely Warning is decided on a case-by-case basis in light of all the facts surrounding an incident, including factors such as the nature of the crime, the continuing threat to the campus community, and the possible risk of compromising law enforcement efforts, and are not limited to crimes being committed by persons not known to the victim.

In the event a CU faculty member receives notice of past or present Title IX prohibited conduct through a class assignment or project, the CU faculty member shall reach out to the student and encourage the student to report conduct to the Title IX Coordinator. If the student expresses not wanting to report the conduct, the CU faculty member shall inform the student that the faculty member (except for confidential employees) is required by federal law to report the alleged conduct to the Title IX Coordinator.

AMNESTY FOR STUDENTS

The health and safety of every student at CU is of utmost importance. CU recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that an incident of violence occurs, including, but not limited to, domestic violence, dating violence, stalking, or sexual assault, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. CU strongly encourages students to report incidents of violence to CU officials. A bystander acting in good faith, or a reporting individual acting in good faith, who discloses any incident of violence to CU’s officials

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or law enforcement will not be subject to disciplinary action under CU's Student Code of Conduct for violations of alcohol and/or drug-use policies occurring at or near the time of the commission of the incident of violence.

OPTIONS FOR REPORTING SEXUAL HARASSMENT

Title IX Reporting Procedure

Any person (whether or not the person reporting is the person alleged to be the Complainant) may report sex-based harassment, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, or via [incident report form](#) listed for the Title IX Coordinator. For purposes of this policy, CU will be deemed to have actual notice of allegations only when notice of said allegations is made to the Title IX Coordinator or to a CU official who has authority to institute corrective measures on behalf of CU. Upon knowledge of conduct that reasonably may constitute sex discrimination in CU's education program or activity, CU employees must notify the Title IX Coordinator so that CU can respond promptly and effectively.

A reporting party may request that CU not investigate and/or adjudicate the report under the formal complaint procedures described herein. CU will make all reasonable efforts to honor a reporting party's request in this regard. However, in certain circumstances, CU may decide to pursue a formal complaint. These circumstances include, but are not limited to, instances when CU has received multiple reports of misconduct by the same individual or when the conduct reported poses a compelling risk to the health and safety of CU community.

Upon receiving a report of sex-based harassment, if the Title IX Coordinator is made aware of the identity of a Complainant, the Title IX Coordinator will make all reasonable efforts to promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint.

Upon receiving a report of sex-based harassment, if the Respondent is unknown or is not a faculty, staff, or student member of CU, the Title IX Coordinator will make all reasonable efforts to provide the Complainant with supportive measures, as well as information and options regarding potential criminal processes. The Title IX Coordinator may also take appropriate actions to protect the Complainant, such as providing assistance in obtaining no-trespass and no-contact orders. If requested, CU will assist in filing/applying for orders of protection, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

Option of Reporting to Law Enforcement

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Individuals who have experienced criminal violations are encouraged to report incidents to local law enforcement and have the option to do so. Formal reporting options include contacting the police department in the jurisdiction in which the incident occurred. If a Complainant chooses to report to law enforcement or pursue a criminal process, the Complainant may simultaneously pursue a formal complaint under this policy. Individuals are advised that if there is concurrent law enforcement activity, CU, at its sole discretion, may temporarily delay its investigative or adjudicative process.

CU can provide Complainants with information and support in the process of reporting criminal conduct to law enforcement.

Regarding the involvement of law enforcement, the Complainant has several options, including: (1) to notify law enforcement authorities; (2) to be assisted by CU administrators in notifying law enforcement authorities; or (3) to decline to notify such authorities. CU will comply with the Complainant's request for assistance in notifying law enforcement to the extent it is consistent with law. The Complainant's choice to report to law enforcement will not impact the provision of supportive measures.

INTERIM ACTIONS

Emergency Removal and Administrative Leave

Upon receiving a report that a Respondent engaged in prohibited conduct described in this policy, CU reserves the right to remove the Respondent on an emergency basis, provided that it conducts an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any individual arising from the allegations justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

When the Respondent is a non-student employee, CU reserves the right to place the non-student employee on an emergency paid ~~or unpaid~~ administrative leave during the investigatory process.

Supportive Measures

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

CU will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of CU to provide the supportive measures.

Both the Complainant and Respondent involved in either an alternate/informal or a formal resolution process have a right to receive supportive measures from CU.

Supportive measures include, but are not limited to:

- Referral to area counseling services;

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- Academic modifications;
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- Protective measures, such as:
 - No contact orders/directives;
 - Increased security and monitoring of certain areas of campus.

Additional options and resources may be found in Appendix A and on CU's Title IX website.

REQUIREMENTS FOR TITLE IX PERSONNEL

Training

The Title IX Coordinator(s), Investigator(s), Decision-Maker(s), and Facilitator(s) of Alternate/Informal Resolution Processes receive training on:

- Prohibited behaviors as defined in this policy, including Title IX Sex-Based Harassment;
- The scope of CU's education program or activity as it relates to Title IX complaints;
- The requirement of all CU employees with knowledge of conduct that reasonably may constitute sex discrimination notify the Title IX Coordinator;
- How to conduct the alternate/informal resolution process and formal complaint grievance processes under this policy, including investigations, appeals, and alternate/informal resolution processes as applicable; and
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The Decision-Maker(s) receives additional training on:

- Issues related to relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior may not be relevant.

The Investigator(s) receive additional training on:

- Issues related to relevance in order to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train will not rely on sex or other stereotypes and will promote impartial investigations and adjudications of formal complaints.

All Title IX training materials will be posted on the CU website as a part of its recordkeeping in accordance with law.

In addition to the aforementioned trainings, CU also offers primary prevention and awareness programs, as well as educational programs and campaigns for students and employees to

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promote the awareness of discrimination and harassment, including dating violence, domestic violence, sexual assault and stalking.

As required by the Clery Act, the Grievance Process will also be implemented by officials who, at a minimum, receive annual training on relevant issues related to sexual assault, dating and domestic violence and stalking and on how to conduct the Grievance Process.

For purposes of this policy, the Appeal Officer is a Decision-Maker.

Conflicts of Interest, Bias, and Impartiality

The Title IX Coordinator(s), Investigator(s), Decision-Maker(s), and Facilitator(s) of Alternate/Informal Resolution Processes will make all reasonable efforts to ensure that the formal complaint grievance process is facilitated in an impartial manner.

The Title IX Coordinator(s), Investigator(s), Decision-Maker(s), and Facilitator(s) of Alternate/Informal resolution processes may not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

The parties are expected to promptly report concern(s) regarding conflict of interest or bias regarding the above-listed personnel to the Title IX Coordinator as soon as reasonably possible once they become aware of the conflict of interest or bias. Upon receiving a report of conflict of interest or bias, CU will evaluate the report, and if it is determined that a conflict of interest or bias exists, CU will appoint another individual to serve in the role.

ALTERNATE / INFORMAL RESOLUTION PROCESS

Overview of Process

Alternate/informal (hereafter simply referred to as "informal") resolution does not involve a full investigation and adjudication like the formal grievance process. Rather, the informal resolution process uses mediation or other forms of dispute resolution with the goal that the parties will arrive at a mutually agreed-upon outcome. The informal resolution process is available whenever a complaint of discrimination is reported, or when the Title IX Coordinator has information about conduct that reasonably may constitute sex discrimination.

In order to engage in an informal resolution process, it must be deemed appropriate for informal resolution by the Title IX Coordinator and the Complainant and Respondent must voluntarily consent in writing to participate in the process.

To complete the informal resolution process, both parties must voluntarily agree to the outcome with the understanding that the outcome is final and will not be subject to further procedures under this policy, unless there is material evidence to show that a party engaged in misrepresentation or fraudulent conduct that impacted the resolution.

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Both parties reserve the right to terminate the informal resolution process and may move forward with the formal grievance process any time prior to resolution. Such termination must be provided to the Title IX Coordinator in writing.

Written Notice to the Parties

Prior to initiating an informal resolution process, the Title IX Coordinator will provide written notice to the parties that includes:

- The allegations alleged by the Complainant;
- The requirements of the informal resolution process, including the circumstances under which the parties are precluded from resuming a formal complaint arising from the same allegations; 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 move forward with a formal complaint grievance process; and
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

FORMAL COMPLAINT OVERVIEW

Filing a Formal Complaint

A Formal Complaint is a document completed by a Complainant or signed by the Title IX Coordinator, alleging sex-based harassment against a Respondent and requesting that CU investigate the allegations. At the time of filing a formal complaint, a Complainant must be participating in, attempting to participate in, or attempted to participate at the time of the incident in CU's education program or activity. For purposes of this policy, employment by CU constitutes participation in the education program or activity.

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. Formal Complaints do not have to be in writing or signed by the Complainant. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party. The Title IX Coordinator may initiate a complaint only if the conduct presents an imminent and serious threat to someone's health or safety or prevents CU from ensuring equal access based on sex to its education program or activity. In determining whether to initiate a complaint, the Title IX Coordinator must consider (1) the complainant's wishes; (2) the complainant's reasonable safety concerns; (3) risk of additional discrimination; (4) severity of the allegations, including whether they would justify removing the respondent; (5) age and relationship of the parties; (6) scope of the discrimination; (7) availability of evidence; and (8) whether CU can end the discrimination and prevent reoccurrence without a complaint. If the Title IX Coordinator initiates a complaint, the complainant must first be notified, and any safety concerns must be addressed.

Consolidation of a Formal Complaint

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CU may consolidate formal complaints under this policy when allegations arise out of the same facts or circumstances. In addition, a formal complaint of retaliation described herein may be consolidated with a formal complaint of sex-based harassment under Title IX. Where the formal resolution process involves more than one Complainant or more than one Respondent, references made to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

Counter-complaint

Counter-complaints will be processed using the Resolution Process outlined herein. In CU's discretion, investigation of such claims may take place after resolution of the underlying initial complaint, in which case a delay may occur, or alternatively, a counter-complaint may be resolved through the same investigation as the underlying complaint.

The grievance process may not be used for retaliatory purposes, however. Thus, counter-complaints made with retaliatory intent or with false and/or misleading information will not be permitted and may constitute a violation of this policy and be subject to discipline.

Initial Assessment of a Formal Complaint

Upon receipt of a formal complaint, the Title IX Coordinator will evaluate whether the alleged conduct, if proven, would constitute a Title IX violation because it meets or could meet the definition of Title IX Sex-Based Harassment and occurred or could have occurred within the jurisdiction and scope required by Title IX as described herein. If the Title IX Coordinator determines that the conduct alleged in the formal complaint, if proven, would meet the aforementioned requirements, then the complaint will be investigated and adjudicated in accordance with the procedures outlined in this policy. If the Title IX Coordinator determines that the conduct alleged in the formal complaint, if proven, would not meet the aforementioned requirements, then the complaint will follow the dismissal process described below and may, if appropriate, be referred to another applicable CU/office/personnel.

Dismissal of a Formal Complaint and Acknowledgment of Responsibility

CU reserves the right to dismiss a formal complaint. However, a dismissal of a formal complaint under Title IX may be resolved through other means outside of Title IX, including CU's conduct process and procedures. Upon the decision to dismiss a formal complaint, both parties will be notified in writing and will be given the opportunity to appeal the dismissal.

- *Discretionary Title IX “dismissal” may occur if:*
 - the respondent is unidentifiable even after a reasonable attempt to identify the respondent;
 - the respondent is not participating in the educational program or activities or is not employed by CU;
 - the complainant voluntarily withdraws some or all of the allegations and any remaining allegations would not constitute discrimination under Title IX; or

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- o the allegations, even if proven, would not violate Title IX after reasonable efforts have been made to clarify the allegations with the complainant. A dismissal may be appealed.

At any point during the grievance process, a Respondent may choose to voluntarily admit responsibility for the alleged violation(s) and execute a written waiver, at which point the Respondent will be assigned a sanction(s) and the grievance process will be terminated.

Unless the parties have met the requirements described in the “Alternate/Informal Resolution Process” section and chosen to proceed with an informal resolution process as described herein, CU will evaluate the request for an investigation.

FORMAL COMPLAINT GRIEVANCE PROCESS: OVERVIEW

Once a formal complaint (as defined above) is filed, and the Title IX Coordinator has conducted the initial assessment and determined that the alleged conduct may proceed under this Title IX policy, the formal grievance process will commence. The grievance process will include written notice of allegations, an investigation with interviews of all parties and relevant witnesses, a written determination of responsibility, and the option for appeal. CU will not conduct live hearings. In lieu of a live hearing, CU shall establish a process that allows for determining the credibility of all witnesses, including the Complainant and Respondent.

CU will make all reasonable efforts to provide a prompt, equitable, fair and impartial resolution of student and employee complaints, including providing a grievance process that treats Complainants and Respondents equitably by providing remedies to a Complainant where a determination of responsibility has been made against the Respondent, and by following its grievance process before imposition of any disciplinary sanctions or other actions that are not supportive measures. Remedies will be designed, where possible, to restore or preserve equal access to CU’s education program or activity. Such remedies may include the same individualized services offered as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

Advisors

The Complainant and the Respondent are entitled to the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney; and CU may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

CU presumes a Respondent is not responsible for the alleged prohibited conduct until a determination is made at the conclusion of the grievance process.

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Notwithstanding the foregoing, the advisor must comply with the restrictions established by CU regarding the extent to which the advisor may participate in the proceedings. The restrictions are set forth below.

- *Meetings and Investigation Interviews:* Advisors may not speak for or on behalf of any Complainant or Respondent during any meetings and/or investigation interviews. While an advisor cannot speak for or on behalf of the Complainant or Respondent during any meetings and/or investigation interviews, time will be granted for the advisor and the party to confer, if deemed appropriate, by the Investigator or CU personnel facilitating any meeting. The Investigator and CU personnel reserve the right to exclude an advisor from any meeting or investigation interview for failure to abide by these restrictions.

Advisors are required to follow all procedures described in this policy. In a situation where an advisor engages in a material violation of this policy or does not abide by reasonable instruction from the Title IX Coordinator(s), Investigator(s), Decision-Maker(s), or other CU personnel, CU reserves the right to either limit or preclude the advisor from participation in the formal complaint grievance process. In the circumstance where an advisor is precluded from future participation, the party may select a new advisor of their choice or CU will provide an advisor for them.

Privileged Information

CU will not require, allow, rely upon, or otherwise permit questions or use of evidence that constitutes, or seek disclosure of, information protected under a legally recognized privilege. Notwithstanding the foregoing, if a person holding such a privilege has waived the privilege, then the information may be used during an investigation.

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

Evidence Pertaining to Sexual History

Questions about or evidence of a Complainant's sexual predisposition are never considered relevant for the purposes of preparing an investigative report.

Questions about or evidence of a Complainant's sexual history are only considered relevant for the purposes of an investigative report if:

- Such questions and evidence about the Complainant's prior sexual history are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or

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- Such questions and evidence concern specific incidents of the Complainant's prior sexual history with respect to the Respondent and are offered to prove consent.

Questions or evidence about a Complainant's sexual history that do not meet the two exceptions described above will be excluded from investigative reports and are to be deemed irrelevant.

Questions that are unclear or harassing are not permissible. Written Notice of Allegations

Upon receiving a formal complaint, the Title IX Coordinator will provide written notice to all known parties that includes:

- CU's grievance process, including any alternate/informal resolution process;
- The allegations alleged by the Complainant, including sufficient details known at the time, and allowing sufficient time for a Respondent to prepare a response before any initial interview. "Sufficient details" include the identities of the parties involved, if known; the conduct allegedly constituting the sex-based harassment, if known; and the date and location of the alleged incident(s), if known;
- 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;
- Information regarding the parties' right to have an advisor of their choice, who may be, but is not required to be an attorney;
- A statement that the parties may inspect and review evidence as described in the "Investigation" section of this policy; and
- A statement that CU prohibits knowingly making false statements or knowingly submitting false information at any point in the grievance process. Individuals who engage in this misconduct may be subject to disciplinary actions. Disciplinary action pursued against a party for knowingly making false statements or submitting false information does not constitute retaliation prohibited under this policy; provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement or provided materially false information.

If in the course of an investigation, CU decides to investigate allegations about the Complainant or Respondent that are not included in the written notice of allegations described above, the Title IX Coordinator will provide written notice of the additional allegations to the parties whose identities are known.

FORMAL GRIEVANCE PROCESS: INVESTIGATION

Overview of the Investigative Process

Once a formal complaint is filed, and the Title IX Coordinator has conducted the initial assessment and determined that the alleged conduct may proceed under this Title IX policy, the

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Title IX Coordinator will appoint an Investigator to conduct a formal investigation into the allegations.

The Investigator will contact the parties whose participation is invited or expected for an investigative interview and will provide written notice of the date, time, location, participants, and purpose of the meeting. Parties will be given reasonably sufficient time to prepare to participate.

The Investigator will make all reasonable efforts to complete the investigative report within 90 business days. This timeline may vary depending on the scope of the formal complaint, the amount of evidence to be considered, the number of persons to be interviewed, and additional factors. If the investigative report is going to take longer than 90 business days to complete, the parties and their advisors will be given notice.

CU may provide reasonable extension of timeframes on a case-by-case basis for good, with written notice to the parties that includes the reason for delay.

The parties and their advisors are not authorized to disseminate any portion of the investigative report provided to them to any other person or entity, through any electronic or hardcopy means.

Equal Opportunity Given to the Parties

All parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

Both the Complainant and the Respondent have the right to meet separately with the Investigator.

Both the Complainant and the Respondent are permitted to provide names of potential witnesses to the Investigator. The Investigator will determine which of those potential witnesses, or other persons, may have relevant information about the alleged conduct; and the Investigator may request statements, either orally or in writing.

Both the Complainant and the Respondent are permitted to provide other relevant evidence to the Investigator. For instance, evidence may include any facts or information presented in support of or opposition to an allegation, including, but not limited to, text messages, email exchanges, timelines, receipts, photographs, etc. The Investigator may also consider additional documents, items, or other relevant information. CU may allow expert witnesses for both parties.

All parties will be given an equal opportunity to inspect and review any evidence obtained as a part of the investigation that is directly related to the allegations raised in the formal complaint. This includes evidence that CU does not intend to rely upon in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Review of Evidence

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All parties must submit to the Investigator any evidence that they would like the Investigator to consider prior to the completion of the investigative report.

Prior to the completion of the investigative report, CU will send to each party and the party's advisor, if any, the evidence subject to the parties' inspection and review in an electronic or hardcopy format.

Each party will be given 10 days to submit a written response, which the Investigator will consider prior to completion of the investigative report. The timeframe may be reasonably extended for good cause with written notice to the parties.

Completion of the Investigative Report

Either after the Investigator receives the parties' written responses or after the 10-day time limit has expired, the Investigator will create an investigative report that fairly summarizes the relevant evidence.

The Investigator will send a copy of the investigative report in an electronic or hardcopy format to each party, their advisors, and the Title IX Coordinator. The parties will be given the opportunity to review the investigative report and provide a written response.

Written Response to the Final Investigative Report

The Decision-Maker will contact each party to provide a deadline for which they can submit their written responses to the final investigative report.

Standard of Evidence

Preponderance of the evidence is the standard of evidence to be used to determine whether a Respondent is responsible for the prohibited conduct alleged in the formal complaint. This is the standard of evidence that will be applied to all formal complaints of prohibited conduct described in this policy, regardless of whether the Respondent is a student or employee of the institution.

IN LIEU OF LIVE HEARINGS

CU shall establish a process in lieu of live hearings. CU will allow the investigator or decisionmaker to ask relevant and not otherwise impermissible questions during meetings with a party or witness and allow each party to propose relevant and not otherwise impermissible questions that the party wants asked of any party or witness and have those questions asked by the decision-maker or investigator. CU will also provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

FORMAL GRIEVANCE PROCESS: WRITTEN DETERMINATION OF RESPONSIBILITY

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The Decision-Maker(s) will undertake an objective evaluation of all relevant evidence (including both inculpatory and exculpatory evidence). In addition, the Decision-Maker will not make any credibility determinations based on a person's status as a Complainant, Respondent, or witness. Upon a determination of responsibility using the preponderance of the evidence standard described herein, the Decision-Maker(s) simultaneously issue a written determination regarding responsibility to both parties.

The written determination regarding responsibility will include:

- Identification of the allegations potentially constituting prohibited conduct;
- 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 held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of relevant policies to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed, where possible, to restore or preserve equal access to CU's education program or activity will be provided by CU to the Complainant; and
- CU's procedures and permissible bases for the Complainant or Respondent to appeal.

The determination of responsibility will be deemed final on either of the following dates:

- If an appeal is filed, the date that the Appeal Officer provides the parties with the written determination of the result of the appeal; or
- If an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Appeal Officer will be Honorable Judith Savage (ret.), Board Secretary, as indicated in the written determination of responsibility.

FORMAL GRIEVANCE PROCESS: REMEDIES & DISCIPLINARY SANCTIONS

Remedies will be designed, where possible, to restore or preserve the Complainant's equal access to CU's education program or activity. Disciplinary actions may range from warnings to CU dismissal or termination, depending on the magnitude and specifics of the violation. The types of prohibited conduct described in this policy are all serious offenses, and such violations are subject to any combination of conduct remedies or sanctions listed below.

The Title IX Coordinator is responsible for effective implementation of any remedies.

Possible remedies and disciplinary sanctions are described in Appendix B.

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FORMAL GRIEVANCE PROCESS: APPEALS

Appeals for Dismissal of a Formal Complaint or Determination of Responsibility

Both parties have the option to appeal a dismissal of a formal complaint and/or the determination regarding responsibility on the following bases:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter. If it is found that a party was aware of a potential bias or conflict of interest prior to the determination regarding responsibility and the party knowingly withheld that information from CU, the party will not be permitted to raise that allegation of bias or conflict of interest on appeal.

All appeals must be submitted in writing and authored by the Complainant or Respondent, not their Advisor, to the Appeal Officer within 5 days of receiving the written determination of responsibility.

Within 7 business days of receiving the written appeal, the Appeal Officer will review the appeal to determine whether it falls within one of the three bases for appeal as described above. If it does, CU will promptly notify the other party when a valid appeal is filed and will implement appeal procedures equally for both parties. If it does not meet the appeal criteria, the appealing party will be notified in writing.

The other party will be given 5 business days from the date of notification of the appeal to submit to the Appeal Officer a written response to the appeal.

Either after receiving the other party's written response to the appeal, or after the time for the other party to submit a written response has expired, the Appeal Officer will make a determination regarding the outcome of the appeal within 7 business days.

Upon a determination of the outcome of the appeal, the Appeal Officer will provide written notice of the decision to both parties and will make all reasonable efforts to simultaneously notify said parties. This written notice will describe the rationale for the result of the appeal.

CU will ensure that the Appeal Officer is not the Investigator, Title IX Coordinator, or the Decision-Maker(s) who made the decision regarding responsibility and/or sanctioning.

POTENTIAL DELAYS IN THE INFORMAL OR FORMAL RESOLUTION PROCESSES

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CU will make all reasonable efforts to abide by the timelines described throughout this policy. If the timeline for any stage of the alternate/informal resolution process or the formal complaint grievance process must be changed, the Complainant and Respondent will receive written notice of the temporary delay or limited extension of timelines and the reasons for the change. Possible reasons for temporary delays or extensions of timelines include, but are not limited to, the absence of a party or a party's advisor, concurrent law enforcement activity, the need for language assistance or accommodation of disabilities, etc.

REQUEST FOR EXTENSIONS OF TIMELINES FROM THE PARTIES

If a party has good cause and needs an extension during the formal complaint grievance process, they can contact the Title IX Coordinator to request such extension. It is within the Title IX Coordinator's discretion to grant such a request. In the case that an extension is granted, the same extension will be given to the other party.

TIME LIMITS

There is no time limit on reporting violations of this Policy, although CU's ability to respond fully may be limited with the passage of time.

WRITTEN EXPLANATION OF RIGHTS AND OPTIONS

When an individual reports any allegation(s) of sexual assault, dating violence, domestic violence, or stalking, whether the offense occurred on or off campus, CU will provide the individual with a written explanation of rights and options.

RECORDKEEPING

CU will document and maintain in CU records for a period of seven years the following:

- All materials used to train Title IX Coordinator(s), Investigator(s), Decision-Maker(s), and Facilitator(s) of Alternate/Informal Resolution Processes. CU will make these training materials publicly available on its website;
- Any alternate/informal resolution and the results therefrom;
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sex-based harassment. In each instance of actions taken in response to Title IX reports or formal complaints, CU will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to CU's education program or activity. If CU does not provide a Complainant in Title IX cases with supportive measures, then CU must document the reasons why such a response was not clearly unreasonable in light of the known circumstances;
- Each formal investigation, including any determination regarding responsibility and any audio or audiovisual recording, or transcript of the live hearing;

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- Any disciplinary sanctions imposed on the Respondent, and/or any remedies provided to the Complainant designed, where possible, to restore or preserve equal access to CU's education program or activity; and
- Any appeal and the result therefrom.

ADDITIONAL INFORMATION

Bystander Intervention refers to safe and positive options that may be carried out by an individual(s) to prevent harm or intervene when there is a risk of discrimination or sex-based harassment, including sexual assault, dating and domestic violence, or stalking, against a person(s) other than the individual. Safe and positive options for bystander intervention include: recognizing prohibited conduct and situations of potential harm; understanding institutional structures and cultural conditions that facilitate violence; overcoming barriers to intervening; and identifying effective ways to intervene and take action, provided that the intervention or action can be undertaken in a way that ensures the safety of the bystander. For more information about bystander intervention, contact Title IX Coordinator, Guernsey Myrna Jean, guernsey.jean@collegeunbound.edu. A description of CU's educational and primary prevention and awareness programs, including bystander intervention, can be found in CU's most recent Annual Security Report.

Risk Reduction is defined as options designed to decrease perpetration and bystander inaction, increase empowerment in order to promote safety, and help individuals and communities address conditions that facilitate violence. A description of CU's educational and primary prevention and awareness programs, including risk reductions, can be found in CU's most recent Annual Security Report.

Preserving Evidence: In cases of sexual violence, including sexual assault, dating and domestic violence, and stalking, as defined herein, it is critical that the Complainant preserve evidence because doing so may assist in proving that the alleged behavior occurred and/or may be helpful in obtaining a protective order.²⁴

Resources: CU will provide written notification about existing resources and services, which may include counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, student financial aid, and other resources and services that may be available at CU and in the community. The written information may include options for, available assistance in, and how to request changes to academic, living, transportation, and working situations; or protective measures. CU will make requested accommodations and protective measures if they are reasonably available, regardless of whether a report is made to Public Safety or local law enforcement.

Violations of Rhode Island State Law: Individuals may also wish to pursue criminal charges through local law enforcement. Below are relevant violations under Rhode Island General Law:

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- **First Degree Sexual Assault (RIGL § 11-37-2):** A person is guilty of first degree sexual assault if he or she engages in sexual penetration with another person, and if any of the following circumstances exist: (1) The accused, not being the spouse, knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless. (2) The accused uses force or coercion. (3) The accused, through concealment or by the element of surprise, is able to overcome the victim. (4) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.
- **Second Degree Sexual Assault (RIGL § 11-37-4):** A person is guilty of second degree sexual assault if he or she engages in sexual contact with another person and if any of the following circumstances exist: (1) The accused knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless. (2) The accused uses force, element of surprise, or coercion. (3) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.
- **Third Degree Sexual Assault (RIGL § 11-37-6):** A person is guilty of third degree sexual assault if he or she is over the age of eighteen (18) years and engaged in sexual penetration with another person over the age of fourteen (14) years and under the age of consent, sixteen (16) years of age.
- **Stalking (RIGL § 11-59-2):** Any person who: (1) harasses another person; or (2) willfully, maliciously, and repeatedly follows another person with the intent to place that person in reasonable fear of bodily injury, is guilty of the crime of stalking. "Harasses" means a knowing and willful course of conduct directed at a specific person with the intent to seriously alarm, annoy, or bother the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."
- **Cyberstalking and Cyberharassment (RIGL § 11-52-4.2):** Whoever transmits any communication by computer or other electronic device to any person or causes any person to be contacted for the sole purpose of harassing that person or his or her family is guilty of a misdemeanor.
- **Dating Violence (R.I.G.L. §16-22-24)** "Dating violence" means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner. "Dating partner" means any person involved in an intimate association with another primarily characterized by the expectation of affectionate involvement, whether casual, serious, or long-term.

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- Domestic Violence (RIGL § 12-29-2): (a) "Domestic violence" includes, but is not limited to, any of the following crimes when committed by one family or household member against another: (1) Simple assault (§ 11-5-3); (2) Felony assaults (chapter 5 of title 11); (3) Vandalism (§ 11-44-1); (4) Disorderly conduct (§ 11-45-1); (5) Trespass (§ 11-44-26); (6) Kidnapping (§ 11-26-1); (7) Child-snatching (§ 11-26-1.1); (8) Sexual assault (§§ 11-37-2, 11-37-4); (9) Homicide (§§ 11-23-1 and 11-23-3); (10) Violation of the provisions of a protective order entered pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8 where the accused has knowledge of the order and the penalty for its violation, or a violation of a no-contact order issued pursuant to § 12-29-4; (11) Stalking (chapter 59 of title 11); (12) Refusal to relinquish or to damage or to obstruct a telephone (§ 11-35-14); (13) Burglary and Unlawful Entry (chapter 8 of title 11); (14) Arson (chapter 4 of title 11); (15) Cyberstalking and cyberharassment (§ 11-52-4.2); (16) Domestic assault by strangulation § 11-5-2.3; (b) "Family or household member" means spouses, former spouses, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past three (3) years, and persons who have a child in common regardless of whether they have been married or have lived together, or persons who are, or have been, in a substantive dating or engagement relationship within the past one year which shall be determined by the court's consideration of the following factors: (1) The length of time of the relationship; (2) The type of the relationship; (3) The frequency of the interaction between the parties. (c) "Protective order" means an order issued pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8. (d) "Victim" means a family or household member who has been subjected to domestic violence.

POLICY REVISION

CU reserves the right to revise this policy at any time in its sole discretion. Revised policies will be posted on CU's website.

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APPENDIX A

IMPORTANT CONTACT INFORMATION

Any person believed to have experienced sex-based harassment is encouraged to contact the Title IX Coordinator (or a deputy coordinator) for support, resources and information regarding CU policy and procedures, including how to file a complaint.

TITLE IX COORDINATOR

- Name: Guernsey Myrna Jean
- Office Location: 201 Rouse Blvd. Philadelphia, PA 19112
- Office Mailing Address: P.O. Box 28173 Providence, RI 02908
- Phone Number: (215) 258-4111
- Email Address: guernsey.jean@collegeunbound.edu

Request for appeals are to be submitted in accordance with the criteria outlined in the “Appeals” section of this document to:

- Name: Louis Soares (Board Vice Chair)
- Office Mailing Address: 2305 Glasgow Rd, Alexandria, VA 22307
- Phone Number: (202) 486-2440
- Email Address: louissoares375@gmail.com

Official with Authority (OWA)

An Official with Authority is a College Unbound employee explicitly vested with the responsibility to implement corrective measures on behalf of the institution for sex or gender-based discrimination, harassment, violence, and/or retaliatory conduct involving students, faculty, staff, or third parties.

This includes:

- Charles “Chris” Dickson, Assistant Dean of Student Success
- Diana Perdomo, VP for Institutional & Student Sustainability
- Sylvia Spears, Provost & Vice President for Lifelong Learning

Complaints and inquiries regarding the application or enforcement of this Policy should be made to CU’s Title IX Coordinator. Inquiries regarding the application of Title IX and its implementing regulations may be referred to the Title IX Coordinator or designee, or to the United States Department of Education, Office for Civil Rights, at OCR@ed.gov or (800) 421-3481. This Policy is in compliance with applicable legal requirements, including Title IX of

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the Education Amendments of 1972, the 2024 amendments, relevant provisions of the Violence Against Women Reauthorization Act of 2013, the Clery Act, and other applicable federal and Rhode Island state laws.

EMERGENCY MEDICAL, COUNSELING AND LAW ENFORCEMENT RESOURCES

Emergency medical assistance, counseling support and campus safety/law enforcement resources are available on and off campus. Individuals are encouraged to seek prompt medical attention following incidents that pose a threat to safety or physical well-being.

LOCAL MEDICAL RESOURCES:

- DE - Nemours Children's Hospital (302) 651-4200 (24/7)
- DE - Christiana Care, Wilmington Hospital (302) 733-1000 (24/7)
- IL - Northwestern Memorial Hospital (312) 926-2000 (24/7)
- NJ - Cooper University Hospital: (800) 826-6737 (24/7)
- NJ - Jefferson Cherry Hill Hospital: (856) 488-6500 (24/7)
- PA - Pennsylvania Hospital: (215) 316-5151(24/7)
- PA - Thomas Jefferson University Hospital: (215) 955-6000 (24/7)
- RI - Women & Infants Hospital: (401) 274-1100 (24/7)
- RI - Rhode Island Hospital: (401) 444-4000 (24/7)
- RI - Roger Williams Hospital: (401) 456-2121 (24/7)
- RI - Hasbro Children's Hospital: (401) 444-4000 (24/7)
- SC - MUSC Health University: (843) 792-1414 (24/7)
- WA - Harborview Medical Center: (206) 744-3000 (24/7)

LOCAL COUNSELING RESOURCES:

- Day One (sexual assault & trauma resource center), (401) 421-4100 <http://www.dayoneri.org> (24/7)
- Women's Resource Center of Rhode Island, (401) 846-5263 / 24 Hour Hotline: 1-800-494-8100 <https://www.wrcnbc.org/>
- Rape, Abuse, and Incest National Network (RAINN) crisis hotline (queer and trans affirming sexual assault hotline) 800-656-HOPE (24/7)
- Rape, Abuse, and Incest National Network (RAINN) online hotline [https://ohl.rainn.org/online\(24/7\)](https://ohl.rainn.org/online(24/7))

CAMPUS SAFETY / LAW ENFORCEMENT RESOURCES:

- Central Falls Police Department (401) 727-7411 (24/7)
- Chicago Police Department (312) 745-4290 (24/7)
- Greenville Police Department 911 or (864) 271-5210

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- Providence Police Department (401) 272-3121 (24/7)
- Philadelphia Police Department (215) 686-1776 (24/7)
- Seattle Police Department 911 or (206) 625-5011

CONFIDENTIALITY, PRIVACY AND REPORTING POLICY

Any person reporting a violation of this policy has the right to confidential support and advice on and off campus. The following list includes confidential resources on and off campus.

OFF-CAMPUS RESOURCES

- Day One (sexual assault & trauma resource center), (401) 421-4100
- The Women's Resource Center, (401) 846-5263 / 24 Hour Hotline: 1-800-494-8100
- Rape, Abuse, and Incest National Network (RAINN) crisis hotline 800-656-HOPE (queer and trans affirming sexual assault hotline)
- Rape, Abuse, and Incest National Network (RAINN) online <https://ohl.rainn.org/online>

DATING & DOMESTIC VIOLENCE RESOURCES

(including criminal justice and protective order advocacy, emergency shelter, transitional housing, safety plans, counseling, education and/or policy) are available at the following agencies:

- IL -Between Friends Chicago, <https://betweenfriendschicago.org/>, 1-800-603-4357 (24-hour)
- IL - WINGS, <https://wingsprogram.com/>, 1-847-221-5680 (24-hour)
- PA - WOAR Philadelphia Center Against Sexual Violence, <https://www.woar.org/>, 215-985-3333
- PA - Women in Transition, <https://helpwomen.org/>, 215-751-1111
- RI - Sojourner House, <https://sojournerri.org/>, 401-765-3232 (24-hour)
- RI - Women's Center of Rhode Island, 401-861-2760 (24-hour)
- RI - Elizabeth Buffum Chace Center, <https://www.ebccenter.org/>, 401-738-1700 (24-hour)
- RI - Blackstone Valley Advocacy Center, <https://www.bvacri.org/>, 401-723-3057 (24-hour)
- RI - Domestic Violence Resource Center of South County, <https://dvrcsc.org/>, 401-782-3995
- RI - Women's Resource Center of Newport & Bristol Counties, <https://wrcnbc.org/>, 401-289-2022

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- RI - Sisters Overcoming Abusive Relationships, <https://www.soarinri.org/>, a victim task force, 401-467-9940
- SC - Julie Valentine Center, <https://www.julievalentinecenter.org/>, 864-467-3633 (24-hour)
- SC - Safe Place South Carolina, <https://safeplacesc.sc.gov/>, 803-734-2100
- WA - New Beginnings, <https://newbegin.org/>, 206-737-0242 (24-hour)
- National Sexual Assault Hotline, <https://rainn.org/resources>, 1-800-656-HOPE (4673) (24 hour)
- National Domestic Violence Hotline, <https://www.thehotline.org/>, 1-800-799-SAFE (7233) (24 hour)

APPENDIX B

SANCTIONS

When an individual has been determined to be in violation of the policy, a range of sanctions may be assigned. When determining the appropriate sanction(s), the following factors may be considered:

- nature, context, and severity of an incident,
- level of accountability and responsibility taken by the individual,
- level of cooperation from the individual,
- need to stop the misconduct and prevent its recurrence,
- need to remedy and address the impact or effects of the conduct on others,
- disciplinary history of the individual,
- best interests of CU community, and
- any other aggravating, mitigating, or relevant factors.

Sanctions related to employees may include:

- termination or dismissal from CU,
- suspension,
- probation,
- reprimand,
- warning, and
- directed counseling and/or mandatory education and training.

Sanctions related to students may include:

- fines and restitution,
- community service,
- suspension of privileges,
- educational intervention,
- educational / restorative sanctions,
- conduct warning,
- conduct probation,
- suspension from housing,
- dismissal from housing,
- CU suspension,
- interim suspension,
- CU dismissal, and
- transcript notation for sanctions of suspension (during the suspension period) and dismissal.

COLLEGE UNBOUND
TITLE IX POLICY
UPDATED: OCTOBER 2024

For both employees and students: Other Reasonable Sanctions

Any reasonable sanction may be assigned that appropriately promotes the education and development of a student or employee, ensures safety, or otherwise furthers the mission of CU.

ADDITIONAL INFORMATION AND RESOURCES

NOTICE OF RHODE ISLAND MANDATORY REPORTING LAWS

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