



Ithaca College Code of Sex Discrimination Grievance Procedures

Last Updated: August 1, 2024

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PREAMBLE: Ithaca College Sex Discrimination Grievance Procedures under 2024 Amendments to the U.S. Department of Education’s Title IX Regulations

Ithaca College complies in all aspects with the laws and regulations required by Title IX of the Education Amendments Act of 1972 (“Title IX”). Title IX is a federal law requiring 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 educational program or activity receiving Federal financial assistance.

The 2024 amendments to the Department’s regulations implementing Title IX (“the 2024 amendments”) take effect on **August 1, 2024**, and obligate the College to apply its requirements set forth herein to complaints of sex discrimination regarding alleged conduct that occurs on or after that date.

The 2024 amendments permit the College to also include additional provisions beyond those required by the 2024 amendments, as long as they apply equally to the parties.

In accordance with the 2024 amendments, Ithaca College has adopted the grievance procedures stated herein that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in College programs or activities, or by the Title IX Coordinator, alleging any action that would constitute prohibited sex discrimination, including sex-based harassment.

The following Sections apply to both Part I and Part II of this Code:

Decision-Making Panels

Whenever the respondent is a student, the applicable decision-making panel to make the initial determination of responsibility shall be a student conduct board, convened in accordance with the procedures provided in Section 7.1.2 “Student Conduct Code”. Whenever the respondent is a non-student employee, the decision-making panel to make the initial determination of responsibility shall be a discrimination complaint review board, convened in accordance with the procedures provided in Section 2.7 “Guidelines for Resolving Discrimination Complaints”.

Definitions:

The following definitions shall apply throughout this Code.

Complainant means:

- (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination, including sex-based harassment, under applicable

College policies, including but not limited to this Code, Section 7.1.2 “Student Conduct Code”, and Section 2.1 “Sexual Misconduct, Domestic/Dating Violence, and Stalking”; or

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

Complaint means 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 means consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient’s prohibition on sex discrimination.

Party means a complainant or respondent.

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.

Remedies means 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 means a person who is alleged to have violated the recipient’s prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient’s education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the

person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

(1) *Quid pro quo harassment*. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) *Hostile environment harassment*. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

(i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;

(ii) The type, frequency, and duration of the conduct;

(iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

(iv) The location of the conduct and the context in which the conduct occurred; and

(v) Other sex-based harassment in the recipient's education program or activity; or

(3) *Specific offenses*.

(i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

(ii) Dating violence meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

- (C) Shares a child in common with the victim; or
- (D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- (iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - (A) Fear for the person's safety or the safety of others; or
 - (B) Suffer substantial emotional distress.

Supportive measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- (1) Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
- (2) Provide support during the recipient's grievance procedures or during an informal resolution process.

[Part I begins on the next page]

PART I: Grievance Procedures for Complaints of Sex Discrimination Involving Employee Complainants or Employee Respondents

In accordance with federal regulations related to Title IX of the Education Amendments Act of 1972 (“Title IX”), Ithaca College will apply and adhere to the grievance procedures in this Part for the prompt and equitable resolution of any complaint of sex discrimination, unless such complaint is subject to the grievance procedures in Part II of this Code.

Note that Part II of this code is applicable to complaints of sex-based harassment in which a student is either a complainant or a respondent.

Complaints:

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment as defined in this Code, requesting that the College investigate and make a determination about the alleged sex discrimination:

- A “complainant,” which includes:
 - a student or employee of the College who is alleged to have been subjected to conduct that could constitute sex-based harassment or
 - a person other than a student or employee of the College who is alleged to have been subjected to conduct that could constitute sex-based harassment at a time when that individual was participating or attempting to participate in a College education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The College’s Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with standards in subsection 2.1.4.5 of the [Sexual Misconduct, Domestic/Dating Violence and Stalking Policy](#) in the Ithaca College Policy Manual.

The College may consolidate complaints of sex-based harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When a complaint of sex discrimination that would not constitute sex-based harassment is consolidated with a complaint of sex-based harassment, the procedures in this Part shall apply. When more than one complainant or more than one respondent is involved, the references in this Part below to a “party”, “complainant”, or “respondent” include the plural, as applicable.

Equitable Rights:

The College will treat complainants and respondents equitably.

The Title IX Coordinator, investigator, any individual decisionmaker, or any member of a decision-making panel involved in any complaint resolution process in this Part, will have no conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. As long as there is no conflict of interest or bias, the Title IX Coordinator or investigator may also be designated to serve in the role of a decisionmaker in various processes under this Part.

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

The College has established the following estimated timeframes for the major stages of the grievance processes:

- Evaluation: Complaints will be evaluated for dismissal or investigation within 20 College business days of submittal of a complaint to the Title IX Coordinator, in accordance with the "Dismissal of Allegations" section herein. Notice will be provided to the parties within 5 days of a determination that an allegation of complaint is being dismissed.
- Investigation: The College will endeavor to conclude an investigation within 60 days of a complainant's confirmation of the nature of the allegations of their complaint, in accordance with this section.
 - Following the investigation, each party will be given electronic access to the investigative report and case file materials. Each party will have up to ten (10) calendar days to review the investigative report and case file materials, at which time the report and materials will be forwarded to the Office of Student Conduct and Community Standards (or to the Office of Human Resources, as applicable).
- Determination: Generally, a hearing determination will be reached, in accordance with the "Procedures for a Live Hearing" section herein, within 30 days of receipt of the case file in the Office of Student Conduct and Community Standards (or receipt by the chair of the discrimination complaint review board for the Office of Human Resources, as applicable).
 - A conduct review panel hearing will be convened promptly once a case has been received by the Office of Student Conduct and Community Standards (or the chair of the DCRB, as applicable), in accordance with the "Hearing Procedures for Cases Involving Sex-Based Harassment" section herein.
- Appeal: Generally, the appeal determination will be reached within 15 business days after notice of the hearing determination is sent to both parties, in accordance with the "Appeals" section of this Part.
- Possible Delays: If circumstances arise that delay either the investigation and/or the conduct proceedings, both parties will be notified in writing of the delay and its cause.
- Availability of Extensions: Reasonable extensions of these time frames may be allowed on a case-by-case basis for good cause. The College will send written notice to the parties that includes the reason for the delay.
 - Requests for extensions or postponements during an investigation or any other non-hearing process should be directed to the Title IX Coordinator (or designee), who will

- have sole discretion and whose decision is final.
- Requests for extensions or postponements after an Investigative Report has been reviewed and forwarded for hearing procedures should be directed to the chairperson designated by the Office of Student Conduct and Community Affairs (or designated by the Office of Human Resources, as applicable).

The College will take reasonable steps to protect the privacy of the parties and witnesses during any complaint resolution processes. These steps will not unreasonably restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in any complaint resolution processes. The parties cannot engage in retaliation, including against witnesses.

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

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

- Evidence that is protected under a privilege recognized by Federal or New York State law or evidence provided to person listed as a confidential resource in Section 2.1 *Sexual Misconduct, Domestic/Dating Violence and Stalking* of the Ithaca College Policy Manual, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

The College will train all personnel involved in its complaint resolution procedures as follows.

- Title IX coordinators, investigators, College-trained advisors and those serving as conduct review board (or discrimination complaint review board) members in cases subject to Title IX, including the chairperson, will receive training promptly upon hiring or change of position that alters their duties and annual training thereafter on: the definition of sexual harassment; obligation to address sex discrimination in its education program or activity;

the scope of college programs and activities to which Title IX applies; how to conduct an investigation and/or conduct proceedings, including hearings, appeals, and informal resolution processes; **and** how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias and the meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.

- Investigators available for Title IX cases will receive additional training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Written Notice of Allegations:

Upon initiation of the College’s complaint resolution procedures, the College will notify the parties in writing of the following:

- The College’s complaint resolution procedures and the Informal Resolution Process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The parties will have an equal opportunity to access an accurate description of the relevant and not otherwise impermissible evidence. Either party may access the evidence directly upon request to the College.

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

Dismissal of Allegations:

The Title IX Coordinator (or Designee) may dismiss one or more allegations of a complaint if:

- The College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in any College program or activity and is not employed by the College;
- The College obtains the complainant’s voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant’s withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination even if proven; or
- The Title IX Coordinator determines the conduct alleged, even if proven, would not constitute sex discrimination. Before dismissing such allegations reasonable efforts will be made to clarify the allegations with the complainant.

Upon dismissal, the College will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then

the College will also notify the parties simultaneously in writing.

The College will notify the complainant that a dismissal may be appealed on the grounds outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent that the dismissal may be appealed on the same grounds. If a dismissal is appealed, the College will follow the procedures outlined in the Appeals section.

When allegations are dismissed, the Title IX Coordinator will:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, to ensure that sex discrimination does not continue or recur within the College's education program or activity.

Investigation:

Evidence Gathering:

The College will provide for adequate, reliable, and impartial investigation of complaints.

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

The College will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor whom they may choose from among the current faculty, administration and staff, or students of the Ithaca College community to help the student prepare information to present at the hearing.

- the College may establish procedures that restrict the extent to which the advisor may participate in these complaint resolution procedures.

The parties will have an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

- During the investigation, the College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
- The investigation will result in an Investigative Report, including a summary of all evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, including both inculpatory and exculpatory evidence, whether obtained from a party or other source.
- Evidence determined to be inadmissible will be excluded from the Investigative Report.
- Summary Findings: If the College reasonably determines that there are no material facts

nor credibility issues in dispute that are relevant to the evaluation of the allegations, and that a finding of responsibility can reasonably be made based solely on the information in the Investigative Report, then a Summary of Findings for all material facts may be added to the Investigative Report.

- All determinations regarding the Summary of Findings will be based on an objective evaluation of all relevant evidence including both inculpatory and exculpatory evidence, will not be based on any impermissible evidence, and will not involve any credibility determinations that are based on a person's status as a complainant, respondent, or witness.

Investigative Report Review:

The parties will have an equal opportunity to access and review the Investigative Report in advance of the hearing process, through the following process:

- The Title IX Coordinator (or designee) will make an electronic copy of the Investigative Report, equally available to each party and their respective advisors at the conclusion of the investigation.
- The parties and their advisors will have up to ten (10) calendar days to review the Investigative Report and communicate any concerns about it, or about their individual evidence and testimony, with the Title IX Office. The investigative report review period is also so the parties' opportunity to propose follow-up questions that may be directed toward parties or witnesses pertaining to the Summary of Findings, if a Summary of Findings is included in the Investigative Report.
- The parties' and their advisors' are prohibited from unauthorized disclosure of any information or evidence obtained solely through the grievance procedures herein and the College may take reasonable steps to prevent and address such disclosures, including but not limited to additional disciplinary action.

Questioning the Parties and Witnesses:

The conduct review board (or discrimination complaint review board, as applicable) hearing procedures are designed to enable the board, as decisionmaker, to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

The hearing procedures include all of the following:

1. The board, as decisionmaker, will ask relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility.
2. Each party will have the opportunity to propose such questions that they want asked of any party or witness and have those questions asked by the chairperson, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally.

Procedures for the chairperson to evaluate the questions and limitations on questions:

- Cross-examination questions. Parties may choose to submit copies of cross-examination questions for pre-approval. Questions must be submitted no later than one (1) full college business day prior to hearing in order to be pre-approved. Such questions will not be made available to the opposing party.
- Questions for prepared response. Questions that a party would like to be shared with the opposing party for a prepared response may also be submitted. The questioning party must clearly indicate that the questions are intended to be shared in advance of the hearing in order for the chair to share.
- The chairperson may exclude any proposed question that is not relevant and or otherwise impermissible and will explain any decisions to exclude a question as not relevant or otherwise impermissible. Relevance determinations will be made in the sole discretion of the chairperson.
- The chairperson may also exclude any proposed question that is unclear or harassing of the party or witness being questioned. The chairperson may give a party an opportunity to clarify or revise a question that is initially excluded because it is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be permitted.

The College will conduct the live hearing with the parties physically present in the same geographic location or, at the College's discretion or upon the timely request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the board and parties to simultaneously see and hear the party or witness while that person is speaking.

An audio or audiovisual recording or transcript of the live hearing will be reasonably available to the parties for inspection and review.

Determination Whether Sex Discrimination Occurred:

Following an investigation and review by the appropriate decisionmaker or decision-making panel of all relevant and not otherwise impermissible evidence, the College will:

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the board to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the board is not persuaded to the preponderance of evidence standard that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
2. Notify the parties simultaneously in writing of the determination whether sex discrimination occurred and will include:
 - a. A description of the alleged sex discrimination;
 - b. Information about the policies and procedures used to evaluate the allegations;
 - c. The board's evaluation of the relevant and not otherwise impermissible

- d. Procedures and permissible bases for the complainant and respondent to appeal.
3. Not impose sanctions on a respondent unless and until a determination that the respondent is responsible becomes final in accordance with these procedures.
4. If the respondent is found responsible for the sex-based harassment, the Title IX Coordinator will:
 - a. Coordinate the provision and implementation of remedies to a complainant and other people the College identifies as having their equal access to College programs or activities limited or denied by sex discrimination;
 - b. Keep a record of the imposition of any disciplinary sanctions on a respondent and the notification to the complainant of any such sanctions; and
 - c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within College programs or activities.
5. Not discipline a party, witness, or others participating in the board hearing procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether the sex discrimination occurred.

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

Appeals:

Submission of an Appeal. Either party may submit an appeal from a dismissal of allegations or a determination regarding responsibility for alleged sex discrimination. The appealing party must submit, within three (3) [college business days](#) of the written determination, a written appeal directly to the Office of Student Conduct and Community Standards (or Office of Human Resources, as applicable) indicating the grounds for appeal. Appeals may be based on one or more of the following grounds:

1. Procedural irregularity that would change the outcome;
2. A sanction imposed was not appropriate for the violation.
3. New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
4. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

Appeal Procedures. If a dismissal or determination regarding responsibility is appealed, the following procedures will apply equally for the parties.

1. The Office of Student Conduct and Community Standards (or Office of Human

Resources, as applicable) will notify all parties in writing of the appeal, including notice of the allegations, if such notice was not previously provided to the respondent.

2. A copy of the appeal will be made available for review by the opposing party. The opposing party will have three (3) regular business days (Monday through Friday, excluding federal holidays and days when the main campus is closed) to review the written appeal and submit a written response to the Office of Student Conduct and Community Standards (or Office of Human Resources, as applicable).

Responses submitted late will not be considered.

- a. Responses should address only the applicable grounds.
- b. The opposing party's response will be shared with the appealing party.
- c. No further submissions will be accepted from either party.

3. The Office of Student Conduct and Community Standards (or Office of Human Resources, as applicable) will designate a chairperson for the appeal panel who did not take part in the investigation of the allegations or the dismissal of the complaint and who has been properly trained (see Equitable Rights section herein). The appeal panel comprises representatives from Human Resources, Student Affairs, and Academic Affairs.

4. The parties will be notified in writing of the result of the appeal and the rationale for the result.

Outcome of the Appeal. The appeal process is not intended to be a rehearing of the evidence presented at a hearing. Rather, the appellate panel will reach a decision, by simple majority, based solely on the above-stated grounds. The appellate panel may render one of the following decisions:

- Uphold the decision
- Amend the decision as may be necessary
- Order the case to be heard again by a new decisionmaker or decision-making panel

Informal Resolution:

In lieu of resolving a complaint through the hearing procedures herein, the parties may instead elect to participate in an Informal Resolution Process (or “IRP”). The College will inform the parties in writing of the informal resolution process it offers and determines is appropriate, if any. The College will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, the College will explain in writing to the parties:

1. The allegations;
2. The process for participating in the Informal Resolution Process, including all of the following:
 - a. Typically, a resolution should be reached within 30 days of the Parties’ mutual agreement to initiate the IRP, at which time the Title IX Coordinator may

- reasonably determine that a process was unsuccessful if no resolution has been reached.
- b. Separate meetings will be held with each party to explain the mediation process, clarify each party's desired outcomes, set ground rules and address any concerns. The Title IX Coordinator will meet with the complainant first, to confirm the scope of the allegations of sex-based harassment underlying the IRP.
 - c. An offer to facilitate support and resources to the complainant and respondent, including counseling services, medical assistance, and any necessary interim measures to ensure the parties' safety and well-being.
 - d. The mediation may include a session involving both parties present in a private setting where the mediator facilitates open communication between them or a session where the Title IX Coordinator acts as an intermediary and conveys requests and information between the parties. Throughout the IRP, the parties are expected to respectfully express their perspectives and concerns and will be encouraged to explore potential resolutions.
 - e. If the parties reach an agreement, the Title IX Coordinator will draft a written statement outlining terms mutually reached by the parties. If the parties choose to accept the terms, both parties will sign the agreement. The agreement will only include terms that are binding upon the parties, and not upon any other person or entity.
 - f. In the event any concerns arise following the final agreement, parties can contact the Title IX Coordinator to discuss options for resolution. Once the agreement is signed, the matter will be considered closed.
3. That any party has the right to withdraw from the informal resolution process and initiate or resume formal complaint resolution procedures at any time before agreeing to a resolution;
 4. That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
 5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
 6. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
 7. The Title IX Office will maintain a record of the conversation that occurred during the mediation meeting as well as the agreement reached between the parties. Any information gathered during the IRP will be available to an investigator and to decision-makers if a formal resolution process is later initiated.

Supportive Measures:

The College will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to College programs or activities or provide support during these complaint resolution procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include:

- Requests to the College for supportive measures and resources or to modify existing measures, may be made at any time, including while investigation and resolution processes are ongoing. Such requests must be directed to the Title IX Coordinator. Please visit the College’s SHARE website for more information.
- Some examples of supportive measures include the following:
 - Mutual Restriction Notice
 - Housing Re-Assignments
 - Class Re-Assignments
 - Safety Escorts on Campus
 - Faculty Notice
 - Alternate Class Schedules
 - Assistance with a change in College employment or work schedule
 - Assistance connecting with resources such as but not limited to Student Accessibility Services, counseling and other confidential resources, and academic advising
- Depending upon the nature and severity of the allegations, the College may consider an interim removal of a respondent from campus housing or from all college programs and activities. Interim removals will be initiated and are subject to review in accordance with Section 7.1.2.7.2 “Interim Removal”.
- Measures that are interim in nature will terminate when the determination regarding responsibility becomes final in accordance with this Part (either on the date that the College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely).

Disciplinary Sanctions and Remedies:

Individuals determined to have committed sex-based harassment will be subject to appropriate disciplinary action, up to and including termination of employment of employees and suspension or expulsion of students. The possible sanctions that can be imposed as a result of determination of responsibility for sex-based harassment include the full range of available sanctions, up to and including removal and permanent barring from the premises, suspension and expulsion for students, and dismissal of employees. Applicable Sanctions are provided in Section 7.1.2.8 “Sanctions” of the Student Conduct Code and in the “Possible Sanctions” section of Section 2.7 “Guidelines for Resolving Discrimination Complaints” in the Ithaca College Policy Manual. The College may also implement a range of remedies after a finding that sex-based harassment occurred, including but not limited to those described under the "Supportive Measures" section herein.

Note that in accordance with the Supportive Measures section above, the College reserves the right to remove an individual from College housing or from the College campus on an interim, non-sanction basis pending a complaint resolution process when such action is necessary to ensure the protection and welfare of the College community.

[Part II begins on the next page]

PART II: Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents

In accordance with federal regulations related to Title IX of the Education Amendments Act of 1972 (“Title IX”), Ithaca College will apply and adhere to the grievance procedures in this Part for the prompt and equitable resolution of complaints of sex-based harassment involving a student as either a complainant or a respondent party.

Note that Part I of this Code is applicable to all other complaints of sex discrimination, including complaints of sex-based harassment for which a student is not a party.

Complaints:

The following people have a right to make a complaint of sex-based harassment, requesting that the College investigate and make a determination about alleged sex-based harassment as defined in this Code:

- A “complainant,” which includes:
 - a student or employee of the College who is alleged to have been subjected to conduct that could constitute sex-based harassment; or
 - a person other than a student or employee of the College who is alleged to have been subjected to conduct that could constitute sex-based harassment at a time when that individual was participating or attempting to participate in a College program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The College’s Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment or if they have a legal right to act on behalf of such person. The Title IX Coordinator can also initiate a complaint consistent with standards in subsection 2.1.4.5 of the [Sexual Misconduct, Domestic/Dating Violence and Stalking Policy](#) in the *Ithaca College Policy Manual*.

The College may consolidate complaints of sex-based harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When a complaint of sex discrimination that would not constitute sex-based harassment is consolidated with a complaint of sex-based harassment, the procedures in this Part shall apply. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Equitable Rights:

The College will treat complainants and respondents equitably.

The Title IX Coordinator, investigator, any individual decisionmaker, or any member of a decision-making panel involved in any complaint resolution process in this Part, will have no conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. As long as there is no conflict of interest or bias, the Title IX Coordinator or investigator may be designated to serve in the role of a decisionmaker in various processes under this Part.

The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of its grievance procedures.

The College has established the following estimated timeframes for the major stages of the grievance procedures:

- Evaluation: Complaints will be evaluated for dismissal or investigation within 20 College business days of submittal of a complaint to the Title IX Coordinator, in accordance with the “Dismissal of Allegations” section herein. Notice will be provided to the parties within 5 days of a determination that an allegation of complaint is being dismissed.
- Investigation: The College will endeavor to conclude an investigation within 60 days of a complainant’s confirmation of the nature of the allegations of their complaint, in accordance with this section.
 - Following the investigation, each party will be given electronic access to the investigative report and case file materials. Each party will have up to ten (10) calendar days to review the investigative report and case file materials, at which time the report and materials will be forwarded to the Office of Student Conduct and Community Standards (or to the Office of Human Resources, as applicable).
- Determination: Generally, a hearing determination will be reached, in accordance with the “Procedures for a Live Hearing” section herein, within 30 days of receipt of the case file in the Office of Student Conduct and Community Standards (or receipt by the chair of the discrimination complaint review board for in the Office of Human Resources, as applicable).
 - A conduct review panel hearing will be convened promptly once a case has been received by the Office of Student Conduct and Community Standards (or by the chairperson in the Office of Human Resources, as applicable), in accordance with the “Hearing Procedures for Cases Involving Sex-Based Harassment” section herein.
 - Determinations will be communicated promptly in accordance with the “Hearing Procedures for Cases Involving Sex-Based Harassment” section herein.
- Appeal: Generally, the appeal determination will be reached within 15 business days after notice of the hearing determination is sent to both parties, in accordance with the “Appeals” section herein.
- Possible Delays: If circumstances arise that delay either the investigation and/or the conduct proceedings, both parties will be notified in writing of the delay and its cause.
- Availability of Extensions: Reasonable extensions of these time frames may be allowed on a case-by-case basis for good cause with written notice to the parties that includes the

reason for the delay.

- Requests for extensions or postponements during an investigation or any other non-hearing process should be directed to the Title IX Coordinator (or designee), who will have sole discretion and whose decision is final.
- Requests for extensions or postponements after an Investigative Report has been reviewed and forwarded for hearing procedures should be directed to the chairperson designated by the Office of Student Conduct and Community Affairs (or designated by the Office of Human Resources, as applicable).

The College will take reasonable steps to protect the privacy of the parties and witnesses during any complaint resolution processes. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in any complaint resolution process. The parties cannot engage in retaliation, including against witnesses.

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

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

- Evidence that is protected under a privilege recognized by Federal or New York State law or evidence provided to a person listed as a confidential resource in Section 2.1 “Sexual Misconduct, Domestic/Dating Violence, and Stalking” of the *Ithaca College Policy Manual*, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
- The College will train all personnel involved in its complaint resolution procedures as

follows. Title IX coordinators, investigators, College-trained advisors and those serving as conduct review board (or discrimination complaint review board) members in cases subject to Title IX, including the chairperson, will receive training promptly upon hiring or change of position that alters their duties and annual training thereafter on: the definition of sexual harassment; obligation to address sex discrimination in its education program or activity; the scope of college programs and activities to which Title IX applies; how to conduct an investigation and/or conduct proceedings, including hearings, appeals, and informal resolution processes; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias and the meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance; the effects of trauma; and the presumption that the respondent is “not responsible” until a finding of responsibility is made.

- Investigators available for Title IX cases will receive additional training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Written Notice of Allegations:

Upon initiation of these complaint resolution procedures, the College will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- The complaint resolution procedures and the Informal Resolution Process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties will have an equal opportunity to access the relevant and not otherwise impermissible evidence in an Investigative Report that accurately summarizes this evidence. Either party may access the evidence directly upon request to the College.
- College policy, including Section 7.1.2.3.3 “Personal Honesty” of the Student Conduct Code, prohibits all parties from knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, the College decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the

written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

Dismissal of Allegations:

The Title IX Coordinator (or designee) may dismiss one or more allegations of a complaint if:

- the College is unable to identify the respondent after taking reasonable steps to do so;
- the respondent is not participating in the College's education program or activity and is not employed by the College;
- the College obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination even if proven; or
- the Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination. Before dismissing such allegations, reasonable efforts will be made to clarify the allegations with the complainant.

Upon dismissal, the College will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the College will notify the parties simultaneously in writing.

The College will notify the complainant that a dismissal may be appealed on the grounds outlined in the *Appeals* section of this Part. If dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent that the dismissal may be appealed on the same grounds. If a dismissal is appealed, the College will follow the procedures outlined in the *Appeals* section.

When allegations are dismissed, the Title IX Coordinator will:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, to ensure that sex discrimination does not continue or recur within the College's education program or activity.

Investigation:

Evidence Gathering:

The College will provide for adequate, reliable, and impartial investigation of complaints.

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

The College will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

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

- the College will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding, unless such advisor is barred from serving as an advisor due to violations of College policies or procedures.
- the following restrictions regarding an advisor's participation apply equally to the parties:
 - the advisor may attend the hearing and consult with the student, but only to answer questions that the student might have during the course of the proceeding. The advisor may not in any other way speak at the hearing unless specifically requested to do so by the chairperson
 - no recordings of any investigatory meeting, hearing, or proceeding will be permitted except the official recording by the College.
 - the chairperson may establish additional restrictions during a hearing process to maintain decorum during a proceeding.
 - the Title IX Coordinator may establish additional restrictions during any grievance process to reasonably maintain
 - Advisors who fail to conform their behavior to these standards may be removed from the proceedings.

The parties will have the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting. Only one advisor for each party may be present during a hearing.

The parties will have an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

- During the investigation, the College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
- The investigation will result in an Investigative Report, including all evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible. The Investigative Report will also include an investigative summary that fairly and objectively summarizes all relevant evidence – including both inculpatory and exculpatory evidence, whether obtained from a party or other source.
- Evidence determined to be inadmissible will be excluded from the investigative report.
- Summary Findings: If the College reasonably determines that there are no material facts nor credibility issues in dispute that are relevant to the evaluation of the allegations, and that a finding of responsibility can reasonably be made based solely on the information in the Investigative Report, then a Summary of Findings for all material facts may be added to the Investigative Report.
 - All determinations regarding the Summary of Findings will be based on an objective evaluation of all relevant evidence including both inculpatory and exculpatory

evidence, will not be based on any impermissible evidence, and will not involve any credibility determinations that are based on a person's status as a complainant, respondent, or witness.

Investigative Report Review:

The parties will have an equal opportunity to access and review the Investigative Report in advance of the hearing process, through the following process:

- The Title IX Coordinator (or designee) will make an electronic copy of the Investigative Report, including a draft investigative summary, equally available to each party and their respective primary advisors at the conclusion of the investigation.
- The parties and their advisors will have up to ten (10) calendar days to review the Investigative Report and communicate any concerns about the draft investigative summary, or about their individual evidence and testimony, with the Title IX Office. The investigative report review period is also so the parties' opportunity to propose follow-up questions that may be directed toward parties or witnesses pertaining to the Summary of Findings.
- The parties' and their advisors' are prohibited from unauthorized disclosure of any information or evidence obtained solely through the sex-based harassment grievance procedures and the College may take reasonable steps to prevent and address such disclosures.

Questioning the Parties and Witnesses in the Hearing:

The conduct review board (or discrimination complaint review board, as applicable) hearing procedures are designed to enable the board, as decisionmaker, to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

The hearing procedures include all of the following:

1. The board, as decisionmaker, will ask relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility.
2. Each party will have the opportunity to propose such questions that they want asked of any party or witness and have those questions asked by the chairperson, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally.

Procedures for the chairperson to evaluate the questions and limitations on questions:

- Cross-examination questions. Parties may choose to submit copies of cross-examination questions for pre-approval. Questions must be submitted no later than one (1) full college business day prior to hearing in order to be pre-approved. Such questions will not be made available to the opposing party.
- Questions for prepared response. Questions that a party would like to be shared with the

opposing party for a prepared response may also be submitted. The questioning party must clearly indicate that the questions are intended to be shared in advance of the hearing in order for the chair to share.

- The chairperson may exclude any proposed question that is not relevant and or otherwise impermissible and will explain any decisions to exclude a question as not relevant or otherwise impermissible. Relevance determinations will be made in the sole discretion of the chairperson.
- The chairperson may also exclude any proposed question that is unclear or harassing of the party or witness being questioned. The chairperson may give a party an opportunity to clarify or revise a question that is initially excluded because it is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be permitted.

Refusal to respond to questions and inferences based on refusal to respond to questions: The board may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

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

An audio or audiovisual recording or transcript of the live hearing will be reasonably available to the parties for inspection and review.

Determination Whether Sex-Based Harassment Occurred:

Following the investigation and review by the appropriate decisionmaker or decision-making panel of all relevant and not otherwise impermissible evidence, the College will:

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the board to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the board is not persuaded to the preponderance of evidence standard that sex-based harassment occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex-based harassment occurred.
2. Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred and will include:
 - a. A description of the alleged sex-based harassment;
 - b. Information about the policies and procedures used to evaluate the allegations;
 - c. The board's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
 - d. If the respondent is found responsible for the sex-based harassment, any

- disciplinary sanctions the College will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the College to the complainant, and, to the extent appropriate, other students identified by the College to be experiencing the effects of the sex-based harassment; and
- e. Procedures and permissible bases for the complainant and respondent to appeal.
3. Not impose sanctions on a respondent unless and until a determination that the respondent is responsible becomes final in accordance with these procedures.
 4. If the respondent is found responsible for the sex-based harassment, the Title IX Coordinator will:
 - a. Coordinate the provision and implementation of remedies to a complainant and other people the College identifies as having their equal access to College programs or activities limited or denied by sex discrimination;
 - b. Keep a record of the imposition of any disciplinary sanctions on a respondent and the notification to the complainant of any such sanctions; and
 - c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within College programs or activities.
 5. Not discipline a party, witness, or others participating in the board hearing procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether the sex-based harassment occurred.

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

Appeals:

Submission of an Appeal. Either party may submit an appeal from a dismissal of allegations or a determination regarding responsibility for alleged sex-based harassment. The appealing party must submit, within three (3) [college business days](#) of the written determination, a written appeal directly to the Office of Student Conduct and Community Standards (or Office of Human Resources, as applicable) indicating the grounds for appeal. Appeals may be based on one or more of the following grounds:

1. Procedural irregularity that would change the outcome;
2. A sanction imposed was not appropriate for the violation.
3. New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
4. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

Appeal Procedures. If a dismissal or determination regarding responsibility is appealed, the following procedures will apply equally for the parties.

1. The Office of Student Conduct and Community Standards (or Office of Human Resources, as applicable) will notify all parties in writing of the appeal, including notice of the allegations, if such notice was not previously provided to the respondent.
2. A copy of the appeal will be made available for review by the opposing party. The opposing party will have three (3) regular business days (Monday through Friday, excluding federal holidays and days when the main campus is closed) to review the written appeal and submit a written response to the Office of Student Conduct and Community Standards (or Office of Human Resources, as applicable). Responses submitted late will not be considered.
 - a. Responses should address only the applicable grounds.
 - b. The opposing party's response will be shared with the appealing party.
 - c. No further submissions will be accepted from either party.
3. The Office of Student Conduct and Community Standards (or Office of Human Resources, as applicable) will designate a chairperson for the appeal panel who did not take part in the investigation of the allegations or the dismissal of the complaint and who has been properly trained (see Equitable Rights section herein). The appeal panel comprises representatives from Human Resources, Student Affairs, and Academic Affairs.
4. The parties will be notified in writing of the result of the appeal and the rationale for the result.

Outcome of the Appeal. The appeal process is not intended to be a rehearing of the evidence presented at a hearing. Rather, the appellate panel will reach a decision, by simple majority, based solely on the above-stated grounds. The appellate panel may render one of the following decisions:

- Uphold the decision;
- Amend the decision as may be necessary; or
- Order the matter to be heard again by a new decisionmaker or decision-making panel (does not apply to an appeal of a dismissal).

Informal Resolution:

In lieu of resolving a complaint through the hearing procedures herein, the parties may instead elect to participate in an Informal Resolution Process (or “IRP”). The College will inform the parties in writing of the informal resolution process it offers and determines is appropriate, if any. The College will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, the College will explain in writing to the parties:

1. The allegations;
2. The process for participating in the Informal Resolution Process, including all of the following:
 - a. Typically, a resolution should be reached within 30 days of the Parties' mutual agreement to initiate the IRP, at which time the Title IX Coordinator may reasonably determine that a process was unsuccessful if no resolution has been reached.
 - b. Separate meetings will be held with each party to explain the mediation process, clarify each party's desired outcomes, set ground rules and address any concerns. The Title IX Coordinator will meet with the complainant first, to confirm the scope of the allegations of sex-based harassment underlying the IRP.
 - c. An offer to facilitate support and resources to the complainant and respondent, including counseling services, medical assistance, and any necessary interim measures to ensure the parties' safety and well-being.
 - d. The mediation may include a session involving both parties in a private setting where the mediator facilitates open communication between them or a session where the Title IX Coordinator acts as an intermediary and conveys requests and information between the parties.. Throughout the IRP, the parties are expected to respectfully express their perspectives and concerns and will be encouraged to explore potential resolutions.
 - e. If the parties reach an agreement, the Title IX Coordinator will draft a written statement outlining terms mutually reached by the parties. If the parties choose to accept the terms, both parties will sign the agreement. The agreement will only include terms that are binding upon the parties, and not upon any other person or entity.
 - f. In the event any concerns arise following the final agreement, parties can contact the Title IX Coordinator to discuss options for resolution. Once the agreement is signed, the matter will be considered closed.
3. That any party has the right to withdraw from the informal resolution process and initiate or resume formal complaint resolution procedures at any time before agreeing to a resolution;
4. That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
6. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
7. The Title IX Office will maintain a record of the conversation that occurred during the mediation meeting as well as the agreement reached between the parties. Any information gathered during the IRP will be available to an investigator and to decision-makers if a formal resolution process is later initiated.

a.

Supportive Measures:

The College will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to College programs or activities or provide support during these complaint resolution procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include:

- Requests to the College for supportive measures and resources or to modify existing measures, may be made at any time, including while investigation and resolution processes are ongoing. Such requests must be directed to the Title IX Coordinator. Please visit the College's SHARE website for more information.
- Some examples of supportive measures include the following:
 - Mutual Restriction Notice
 - Housing Re-Assignments
 - Class Re-Assignments
 - Safety Escorts on Campus
 - Faculty Notice
 - Alternate Class Schedules
 - Assistance with a change in College employment or work schedule
 - Assistance connecting with resources such as but not limited to Student Accessibility Services, counseling and other confidential resources, and academic advising
- Depending upon the nature and severity of the allegations, the College may consider an interim removal of a respondent from campus housing or from all college programs and activities. Interim removals will be initiated and are subject to review in accordance with Section 7.1.2.7.2 "Interim Removal".
- Measures that are interim in nature will terminate when the determination regarding responsibility becomes final in accordance with this Part (either on the date that the College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely).

Disciplinary Sanctions and Remedies:

Individuals determined to have committed sex-based harassment will be subject to appropriate disciplinary action, up to and including termination of employment of employees and suspension or expulsion of students. The possible sanctions that can be imposed as a result of determination of responsibility for sex-based harassment include the full range of available sanctions, up to and including removal and permanent barring from the premises, suspension and expulsion for students, and dismissal of employees. Applicable Sanctions are provided in Section 7.1.2.8 "Sanctions" of the Student Conduct Code and in the "Possible Sanctions" section of Section 2.7 "Guidelines for Resolving Discrimination Complaints" in the Ithaca College Policy Manual. The College may also implement a range of remedies after a finding that sex-based harassment occurred, including but not limited to those described under the "Supportive Measures" section herein.

Note that in accordance with the Supportive Measures section above, the College reserves the right to remove an individual from College housing or from the College campus on an interim, non-sanction basis pending a complaint resolution process when such action is necessary to ensure the protection and welfare of the College community.