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# Title IX and Policy Against Harassment and Discrimination and Procedures for Enforcement

## Camelot College

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This policy of Camelot College ("College") addresses the requirements of Title IX of the Education Amendments of 1972 ("Title IX"), federal law prohibiting sex discrimination in federally-funded education programs and activities. Title IX states as follows:

*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.*

Discrimination on the basis of sex includes sex discrimination, sexual harassment, sexual assault, sexual violence, and sexual exploitation/misconduct (as those terms are defined below). Title IX prohibits sex discrimination in both the educational and employment settings.

## **PURPOSE**

It is the policy of Camelot College to provide an educational, employment, and business environment free of all forms of discrimination or harassment. Discrimination or harassment based upon one's race, color, religion, national origin, gender identity, sexual identity, age, genetic information, veteran status, or disability as defined in this policy and as otherwise prohibited by state and federal statutes is prohibited at the College. Sexual harassment, including acts of sexual assault, sexual violence, domestic violence, dating violence, stalking and sexual exploitation/misconduct, is a form of sex discrimination and is prohibited at the College. This policy applies to all College students, faculty, and staff, to other members of the College community, and to contractors, consultants, and vendors doing business or providing services to the College.

# **ALLEGED OR SUSPECTED VIOLATIONS OF THIS POLICY**

Camelot College is committed to investigating all possible violations of this policy about which the school knows or reasonably should know (also referred to in this policy as "alleged or suspected violations of this policy"), regardless of whether a complaint alleging a violation of this policy has been filed and regardless of where the alleged conduct occurred. The College's ability to investigate in a particular situation, or the extent of the investigation in any given situation, may be affected by any number of factors, including whether the complainant is willing to file a complaint or to consent to an investigation, the location where the alleged conduct occurred, and the College's access to information relevant to the alleged or suspected violation of this policy. The College is nonetheless committed to investigating all alleged and suspected violations of this policy to the fullest extent possible under the circumstances. Students, faculty or staff who have a complaint against a student, faculty, staff member, or other individual involving allegations of harassment and discrimination, including but not limited to sexual discrimination, unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, and discrimination or harassment based upon one's race, color, religion, national origin, gender identity, age, genetic information, veteran status, or disability in violation of this policy should contact the Title IX Coordinator. In addition to contacting the Title IX Coordinator, individuals who have experienced sexual harassment or other acts of sexual assault may contact the proper law enforcement authorities such as the local police department.

## **POLICY COORDINATORS**

Any inquiries regarding this policy should be directed to one or more of the Policy Coordinators identified below. These Coordinators will be available to meet with students regarding issues relating to Title IX and this policy.

***Title IX Coordinator:*** The Lead Coordinator is responsible for implementing and monitoring compliance of the policy on behalf of the college. This includes responsibility for training,

education, communication and administration of grievance procedures for the handling of complaints alleging violations of this policy.

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## **DEFINITIONS AND EXAMPLES OF CONDUCT PROHIBITED UNDER THIS POLICY**

Prohibited conduct includes harassment and discrimination, including but not limited to sexual discrimination, unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, and discrimination or harassment based upon one's race, color, religion, national origin, gender identity, sexual identity, age, genetic information, veteran status, or disability. The acts listed below are included to clarify examples of acts which would qualify as discrimination or harassment against those with protected status under Title IX and elsewhere. The listing of these examples does not preclude nor set aside the College's formal codes of conduct listed elsewhere in College publications, handbooks, or addendums to the like. Violations of the College's codes of conduct may not constitute a violation of this policy but would be addressed under the proper College codes such as found in the faculty handbook, staff handbook, Student Code of Conduct or other applicable policies.

### ***1. Discriminatory Harassment***

Unwelcome verbal or physical conduct based on race, color, religion, national origin, sex, gender identity, sexual orientation, age, genetic information, veteran status, or disability, when:

- Such conduct has the purpose or effect of unreasonably interfering with the individual's work or educational performance;
- Such conduct creates or has the intention of creating an intimidating, hostile, or offensive working and/or learning environment; or

- Such conduct unreasonably interferes with or limits one's ability to participate in or benefit from an educational program or activity.

## ***2. Sex Discrimination***

- Making a distinction in favor of, or against, a person on the basis of sex rather than on individual merit
- In an educational setting, making a distinction on the basis of sex that deprives a person of the ability to participate in or benefit from the college's education program or activities

## ***3. Sexual Harassment***

Unwelcome, sex or gender-based verbal or physical conduct that is,

- Sufficiently severe, pervasive, and objectively offensive that it,
- Unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from the College's education program and/or activities, is
- Potentially based on power differentials (quid pro quo),
- Creates a hostile environment, or
- Involves retaliation

Examples of sexual harassment include, but are not necessarily limited to, unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's gender, sexuality or sexual experience. Sexual harassment may consist of repeated actions or may even arise from a single incident if sufficiently extreme. The complainant and the accused may be of either gender and need not be of different genders.

## ***4. Sexual Assault/Sexual Violence***

Sexual assault/sexual violence is a particular type of sexual harassment that includes non-consensual sexual contact, non-consensual sexual intercourse, rape, or other physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

Sexual assault/sexual violence includes, but is not necessarily limited to, physical assaults of a sexual nature, such as rape, sexual assault, sexual battery, domestic violence, dating violence, stalking or attempts to commit these acts.

**Non-Consensual Sexual Contact is:** Any intentional sexual touching

- However slight,
- With any object,
- By a man or woman upon a man or woman
- That is without consent and/or by force

**Non-Consensual Sexual Intercourse is:** Any sexual intercourse

- However slight,
- With any object or body part,
- By a man or woman upon a man or a woman,
- That is without consent and/or by force

**Domestic Violence is:** A pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

**Dating Violence is:** Defined as 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 a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

**Stalking is:** Stalking is defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

**Hazing is:** Hazing includes but is not limited to any act directed toward an individual, or any coercion or intimidation of an individual to act or to participate in something which a reasonable person would perceive is likely to cause physical or psychological injury and where such act is a condition of initiation into, admission into, continued membership in or association with any group whether that group is a formal or informal entity.

### ***5. Sexual Exploitation/Sexual Misconduct***

Sexual Exploitation/Sexual Misconduct occurs when a student/employee takes non-consensual or abusive sexual advantage of another.

Examples of sexual exploitation and sexual misconduct include, but are not limited to:

- Invasion of sexual privacy
- Prostituting another student
- Non-consensual video or audio-recording or broadcasting or sharing of sexual activity
- Engaging in voyeurism
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals
- Sexually-based stalking and/or bullying may also be forms of sexual
- Use or display in the classroom or any facility of the College, including electronic, of pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical justification
- Sexual activity with someone whom one should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated (by alcohol or other drug ingestion, unconsciousness or blackout), constitutes a violation of this policy.
- Sexual activity with someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of drugs.
- Sexual activity of any kind with anyone under the age of 18

**Use of alcohol or drugs will never function as a defense for any behavior that violates this policy.**

# REPORT OF AN ALLEGED POLICY VIOLATION AND ITS INVESTIGATION

**REPORTING** – A student, faculty member or staff member who has a complaint against a student, faculty, staff member or other individual involving a suspected violation of this policy or of retaliation should contact the Title IX Coordinator. Faculty and staff are required to report any suspected violations of this policy. Although there is no specific time limit for reporting a suspected violation of this policy, an employee or student who believes that he or she has been subjected to conduct that violates this policy is encouraged to contact the Title IX Coordinator as soon as possible after the alleged act to discuss the available options for proceeding.

**BODILY HARM** – If the Title IX Coordinator receives a report of harassment or assault *involving bodily harm*, the Title IX Coordinator will contact the local law enforcement agency with jurisdiction over the College. The victim of sexual assault also may choose to file a criminal complaint against the alleged perpetrator. Any pending criminal investigation or criminal proceeding may have some impact on the timing of the College’s investigation, but the College will commence its own investigation as soon as is practicable under the circumstances. The College reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding.

**INVESTIGATION** – The Title IX Coordinator will begin an investigation in partnership with trained investigators and other College officials, as deemed appropriate by the College. *The investigation phase* will be completed within sixty (60) days of the filing of a complaint or the date on which the College becomes aware of a suspected violation of this policy. Audio or video recording of any proceedings are prohibited by any party other than the college throughout this process.

As part of the investigation, the Investigator(s) will seek *separate* interviews with the complainant, the accused and any witnesses to the greatest extent possible. To help ensure a prompt and thorough investigation, complainants are encouraged to provide as much of the following information as much as possible, including the following:

- The name, department, and position of the person or persons allegedly causing the discrimination, harassment or retaliation.

- A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses.
- The alleged effect of the incident(s) on the complainant's academic standing, educational benefits or opportunities, position of employment, salary, employee benefits, promotional opportunities, or other terms or conditions of employment.
- The names of other students or employees who might have been subject to the same or similar discrimination, harassment or retaliation.
- Any steps the complainant has taken to try and stop the discrimination, harassment, or retaliation.
- Any other information the complainant believes to be relevant to the alleged discrimination, harassment, or retaliation.

The accused also is encouraged to provide as much information as possible in connection with the investigation.

**INTERIM PROTECTIVE MEASURES** – The College reserves the right to suspend or place on immediate administrative leave any member of the campus community accused of violating this policy, or to take any other interim measures the College deems appropriate, pending the outcome of an investigation and/or disciplinary proceedings. Such interim measures can include, but are not limited to, placing an employee on paid or unpaid administrative leave, removing a student from campus housing and/or current classes, modifying course schedules, and issuing a "no contact" order, among many other remedies.

**PROHIBITION AGAINST RETALIATION** – Retaliation exists when action is taken against a participant in the complaint process that (i) adversely affects the individual's employment or academic status; and (ii) is motivated in whole or in part by the individual's participation, or lack thereof, in the complaint process.

No individual involved in a complaint alleging a violation of this policy or participating in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation. Any acts of retaliation, as defined in this policy, shall be grounds for disciplinary action, up to and including expulsion/dismissal for students and termination/dismissal for faculty and staff.



**CONFIDENTIALITY** – To the extent permitted by law, the confidentiality of all parties involved in the resolution of alleged or suspected violations of this policy will be observed, provided that it does not interfere with the College’s ability to conduct an investigation and take any corrective action deemed appropriate. While confidentiality cannot be guaranteed, care will be taken to keep investigation discussions appropriately limited to protect the complainant’s identity when requested.

### **Resolution of a Filed Grievance**

The Title IX Coordinator and Investigators will review the information gathered in the investigation process and determine next steps. The **resolution process** typically includes the following elements, which may be modified by the College in its discretion to fit the circumstances of a particular case:

1. The Title IX Coordinator (and Investigation Team) will be responsible for an **investigation** either alone or with one or more other school officials (e.g. faculty) as deemed appropriate by the College and as outlined above.
2. The Investigation Team will conclude the investigation and submit to the Title IX Coordinator **a report** of the investigation and **a determination** of "violation" or "no violation" as well as a the recommended corrective actions and remedies appropriate for the determination if warranted. Unless the Title IX Coordinator deems it necessary to question the report and determination or unless the recommendation determines a hearing is necessary, the Investigation Team’s report will stand as the Resolution.
3. **Standard for Determining Responsibility.** The standard used to determine whether this policy has been violated is *whether it is more likely than not* that the accused violated this policy. This is often referred to as a "Preponderance of Evidence" standard.
4. Appropriate, corrective action/remedies by the College will serve to: (i) **eliminate** the policy violation, (ii) **prevent** the recurrence of the violation, and (iii) **address** the effects of the violation (in accordance with the *Grievance Procedures* contained herein).
5. **Within seven (7) days** of the conclusion of the investigation, both the complainant and the accused will be informed in writing by the Title IX Coordinator of the outcome of the investigation. The letter will state the ruling of "violation" or "no violation" of the policy and

any corrective actions/remedies that will be put into place. This written notice will be issued concurrently to the complainant and the accused.

This process may be changed for reasons including, but not limited to the following:

- Allegations of sexual assault will not be resolved by mediation.
- Either the complainant or the accused may request, at any time during the investigation, that the case be resolved through the hearing process.
- The Title IX Coordinator or Investigators determine the case is best resolved through the hearing process.

## **HEARING**

The hearing process applies (i) when either the complainant or the accused so requests, (ii) when investigators determine resolution is best served by a hearing, or (iii) in any matter when the College deems appropriate (e.g. termination, separation from the institution). The hearing process is outlined below:

1. The hearing process will begin at the request of any party, complainant, accused, or investigator.
2. The Hearing Panel will be made up of the Title IX Coordinator and two other people from a predetermined pool of candidates of trained faculty and staff.
3. The complainant and the accused will both be requested to be present at the hearing to retell their version of the events in question. Accommodations may be made via telephone or videoconferencing to allow all parties to participate. The hearing will continue with or without the participation of all parties.
4. The College will maintain documentation of all hearings or other proceedings, which can take various forms (e.g., notes, written findings of fact, transcripts, audio recordings, etc.).
5. **Within seven (7) days** of the conclusion of the hearing, both the complainant and the accused will be informed in writing by the Title IX Coordinator of the outcome of the hearing. The letter will state the ruling of "violation" or "no violation" of the policy and any corrective actions/remedies that will be put into place. This written notice will be issued concurrently to the complainant and to the accused. The hearing process will not exceed 30 days in length.

6. The College may disclose to the complainant information about any corrective actions/remedies taken that relate directly to the complainant (e.g., a "no contact" order). **In no event will the complainant be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome.**

7. If there is a finding of policy violation, appropriate, corrective action/remedies by the College will be taken to: **(i) eliminate** the policy violation, **(ii) prevent** the recurrence of the violation, and **(iii) address** the effects of the violation (in accordance with the *Grievance Procedures* contained herein).

## **APPEALS**

Appeals must be requested in writing to the Title IX Coordinator within seven (7) days of receipt of a written outcome of an investigation or hearing. The appeals process is outlined below:

1. Either party may appeal the decision of the hearing in writing to the Title IX Coordinator within seven (7) days of receiving the written notice.
2. Appeals must include relevant new information for consideration by the appeals committee. This would include information that was unavailable at the time of the decision, concerns about procedural errors or concerns about the level of sanction imposed according to the policies of the College. Disagreement with the findings of a hearing is not sufficient grounds for appeal.
3. The Title IX Coordinator personally carries the appeal with the documentation of all previous proceedings to the **Chair of the Appeals Committee**. The Appeals Committee is the final arbiter on all appeals of rulings of violation of the Policy. The Chair will lead an appeals committee made up of himself and two other administrators who have otherwise not been previously involved in the complaint (drawn from a pre-determined pool of candidates at the College's discretion).
4. Neither the complainant nor the accused will be entitled to further hearing in connection with any appeal, but the Appeals Committee may request written submissions from either party or consider any other information as deemed appropriate by the school. Both parties will be informed in writing of the outcome of any appeal within fourteen (14) days of the date by which all requested information is received unless the College determines that additional time is required.

## **RIGHTS OF COMPLAINANTS AND ACCUSED PARTIES**

Complainants and accused parties shall be provided with the following in connection with any hearing or other proceeding used to reach a decision regarding whether any violation of this policy has occurred.

### ***Rights of Complainants***

- The opportunity/right to speak on one's own behalf;
- To be accompanied by an advisor or support person who may take notes and advise the complainant, but not otherwise participate;
- To present witnesses who can speak about the alleged conduct at issue;
- To present other evidence on one's own behalf;
- To attend the entire hearing or other proceedings, except for the deliberation phase;
- To review any written statement that will be offered by the accused at a hearing or proceeding prior to the time that it is offered (to the greatest extent possible and consistent with FERPA or other applicable law);
- To be informed of the outcome of the hearing or other proceeding;
- And to appeal the outcome of the hearing or other proceeding.

### ***Rights of Accused Parties***

- The right to a written explanation of the alleged violations of this policy;
- The opportunity/right to speak on one's own behalf;
- To be accompanied by an advisor or support person who may take notes and advise the accused, but not otherwise participate;
- To present witnesses who can speak about the alleged conduct at issue;
- To present other evidence on one's own behalf;
- To attend the entire hearing or other proceedings, except for the deliberation phase;
- To review any written statement that will be offered by the complainant at a hearing or proceeding prior to the time that it is offered (to the greatest extent possible and consistent with FERPA or other applicable law);
- To be informed of the outcome of the hearing or other proceeding;

- And to appeal the outcome of the hearing or other proceeding.

### **Disciplinary/Corrective Actions for Violations of this Policy**

**Sanctions/Corrective Action.** Any violation of this policy involving students or faculty and staff of the College is subject to the Policy and Procedures as stated in this document and is NOT governed by any other employee or student handbook or policy. The College will take reasonable steps to prevent the recurrence of any harassment or other discrimination and to remedy the discriminatory effects on the complainant (and others, if appropriate).

**Examples** of the *range* of potential sanctions/corrective actions that may be imposed with respect to students may be found in the Student Code of Conduct and any related policies set forth in the College's catalog or Student Handbook. Comparable information with respect to employees can be found in the Faculty Handbook and in the Human Resources documents of the College. The College also may take any other corrective action that it deems appropriate under the circumstances.

**Employees and /or students** who are found to have violated this policy will be subject to disciplinary action up to and including expulsion or dismissal and with the additional provisions set forth in the "Rights" section of this policy.

**Faculty and staff** who are found to have violated this policy will be subject to disciplinary action up to and including discharge or termination and with the additional provisions set forth in the "Rights" section of this policy.

**Guests and other third parties** who are found to have violated this policy will be subject to corrective action deemed appropriate by the College, which may include removal from the campus(es) and termination of any applicable contractual or other arrangements.

In instances where the College is unable to take disciplinary action in response to an alleged violation of this policy because a complainant insists on confidentiality or for some other reason, the College will nonetheless pursue other steps to limit the effects of conduct that violates this policy and prevent its recurrence.

*Adopted: June 2015*

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