

UNLAWFUL HARASSMENT AND SEXUAL CONDUCT POLICY

I. Introduction

Dunwoody (also referred to as “the College”) is committed to maintaining a learning and working environment free from discrimination and intimidation, including Sex Discrimination. The College’s mission is best accomplished in an atmosphere of professionalism which, in turn, is supported by mutual respect and trust. Dunwoody expects all students and employees and others doing business with Dunwoody to work toward this goal.

This Policy outlines the College’s community expectations to ensure a campus free from Sex Discrimination, the steps for recourse for those individuals who have been subject to Sex Discrimination, and the procedures for determining whether a violation of College policy has occurred. This Policy applies to the following forms of Sex Discrimination: Non-Harassment Discrimination (Differential Treatment, Retaliation, and Failure to Provide a Student Reasonable Modifications for Pregnancy and Related Conditions) and Sex-Based Harassment (Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation), as those terms are defined in this Policy. For Dunwoody’s nondiscrimination policy regarding other protected class statuses, see Equal Employment Opportunity & Non-Discrimination (<https://catalog.dunwoody.edu/employee-handbook/nature-employment/equal-employment-opportunity-non-discrimination/>). Where the content of this Policy conflicts with other similar policies set forth in the student and/or Faculty and Employee handbooks, the requirements of this Policy shall prevail.

This Policy supersedes any previous policies regarding sex discrimination, sexual misconduct and/or retaliation under Title IX and will be reviewed and updated, as needed, by the Title IX Coordinator.

Dunwoody reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect, and shall be applicable immediately to faculty, staff and students, with or without notice. If government laws or regulations change, or court decisions alter, the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

Notice of Non-Discrimination

In accordance with applicable federal and state laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act, and the Americans with Disabilities Act and ADA Amendments, Dunwoody does not unlawfully discriminate on the basis of sex, race, color, national origin, religion, age, disability, marital status, familial status, pregnancy, citizenship, creed, genetic information, veteran status, status with regard to public assistance, membership in a local human rights commission, or any other legally protected status in its education programs and activities, employment policies and practices, or any other areas of the College.

Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be

denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” The College is required by Title IX and its regulations not to engage in sex discrimination in its education program or activity, including admissions and employment. Sex discrimination is conduct based upon an individual’s sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that excludes an individual from participation in, denies the individual the benefits of, or treats the individual less favorably in an education program or activity. Sex-Based Harassment is a form of sex discrimination. In accordance with Title IX and its regulations, Dunwoody’s Title IX Policy addresses Dunwoody’s prohibition of the following forms of sex discrimination: Non-Harassment Discrimination (Differential Treatment, Retaliation, and Failure to Provide a Student Reasonable Modifications for Pregnancy and Related Conditions) and Sex-Based Harassment (Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation). The Policy can be found at: <https://dunwoody.edu/campus-life/public-safety/title-ix/>.

Dunwoody prohibits unlawful sex discrimination in any form. The College will promptly and equitably respond to all reports of Sex Discrimination. To report information about conduct that may constitute Sex Discrimination or to make a complaint of Sex Discrimination, please contact the Title IX Coordinator.

Questions or concerns about Title IX and/or Sex Discrimination, including Sex-Based Harassment, may be directed to Dunwoody’s Title IX Coordinator.

Kelli Sattler, Ed.D.
Title IX Coordinator
Dean of Student Affairs
612-381-3437
Office: Pinska Center
ksattler@dunwoody.edu

Questions or concerns may also be directed to the U.S. Department of Education’s Office for Civil Rights:

The Office of Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: (800) 421-3481
Facsimile: (202) 453-6012
Email: OCR@ed.gov
<http://www.ed.gov/ocr> (<http://www.ed.gov/ocr/>)

II. Scope of Policy

This Policy applies to all Dunwoody community members, including but not limited to, students, employees, faculty, administrators, staff, applicants for admission or employment, and third parties, such as trustees, volunteers, vendors, independent contractors, visitors, and any individuals or entities that do business with Dunwoody or are regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with Dunwoody or on Dunwoody property.

This Policy may also apply to individuals who interact with College community members under certain circumstances. All Dunwoody

community members are required to follow Dunwoody policies and local, state, and federal law.

This Policy applies to Sex Discrimination committed by or against a Dunwoody community member, including conduct occurring on campus or Dunwoody property, conduct that occurs at Dunwoody-sanctioned events or programs that take place off campus, such as study abroad and internships, and off campus conduct that may (1) have continuing adverse effects on campus, Dunwoody property, or in a Dunwoody program or activity, (2) substantially and unreasonably interfere with a community member's employment, education or environment on campus, Dunwoody property, or in a Dunwoody program or activity, or (3) create a hostile environment for community members on campus, Dunwoody property, or in a Dunwoody program or activity.

This Policy applies regardless of the sexual orientation or gender identity of any of the parties.

III. Responsibilities of the Title IX Coordinator and Title IX Team

Dunwoody's Title IX Coordinator is:

Kelli Sattler, Ed.D.
 Title IX Coordinator
 Dean of Student Affairs
 612-381-3437
 Office: Pinska Center
ksattler@dunwoody.edu

The Title IX Coordinator is responsible for the coordination of Dunwoody's Title IX compliance efforts, including Dunwoody's efforts to end Sex Discrimination, prevent its recurrence, and address its effects.

The Title IX Coordinator oversees and monitors Dunwoody's overall compliance with Title IX-related policies and developments and the administration of this Policy; the implementation of complaint resolution processes, including investigation and adjudication of complaints of Sex Discrimination; the provision of educational materials and training for the campus community; and all other aspects of the College's Title IX compliance. These responsibilities include, but are not limited to:

- Coordinating specific actions to prevent Sex Discrimination and ensure equal access to Dunwoody's education program or activity;
- Ensuring Dunwoody policies and procedures and relevant state and federal laws are followed;
- Informing any individual, including a complainant, a respondent or another individual, about the procedural options and processes used by Dunwoody and about resources available at the College and in the community;
- Monitoring Dunwoody's education program or activity for barriers to reporting information about conduct that reasonably may constitute Sex Discrimination and taking steps reasonably calculated to address such barriers;
- Training and assisting Dunwoody employees regarding how to respond appropriately to a report of Sex Discrimination;
- Monitoring full compliance with all procedural requirements and time frames outlined in this Policy;
- Evaluating allegations of bias or conflict of interest relating to this Policy;
- Determining whether grounds for appeal under this Policy have been stated;

- Ensuring that appropriate training, prevention and education efforts, and periodic reviews of Dunwoody's climate and culture take place;
- Coordinating Dunwoody's efforts to identify and address any patterns or systemic problems revealed by reports and complaints;
- Recordkeeping of all incidents reported to the Title IX Coordinator;
- Complying with written notice requirements of the Violence Against Women Act; and
- Assisting in answering any other questions related to this Policy.

Dunwoody's Title IX Team includes: Kelli Sattler, Dean of Student Affairs and Title IX Coordinator and Patricia Edman, Vice President of Human Resources. These team members have a shared responsibility for consulting with, and supporting, the Title IX Coordinator and may serve as the Title IX Coordinator's designee. When this Policy refers to actions of the Title IX Coordinator, these actions may be fulfilled by the Title IX Coordinator or the Title IX Coordinator's designee. Members of the team may also be called upon to investigate or adjudicate complaints of Sex Discrimination, decide appeals, and/or facilitate informal resolutions.

The Title IX Coordinator has authority to consult with each individual appointed to serve in a role in the complaint resolution process to ensure compliance with the law and this Policy and to promote consistency in the College's processes.

Dunwoody also reserves the right to outsource actions under this Policy to third parties, including actions of the Title IX Coordinator, investigator, decisionmaker, and appeal officer.

IV. Definitions

Complainant refers to an individual who is alleged to have been subjected to conduct that could violate this Policy.

Respondent refers to an individual who is alleged to have violated this Policy.

A **report** is an account of Sex Discrimination that has allegedly occurred that has been provided to the College by the complainant, a third party, or an anonymous source.

A **complaint** is an oral or written request to Dunwoody that objectively can be understood as a request for Dunwoody to investigate and make a determination about an alleged violation of this Policy. A complaint generally begins the complaint resolution process as set forth in Section X. General Provisions for Complaint Resolution Process below.

Sex Discrimination as used in this Policy means the following forms of misconduct: Non-Harassment Sex Discrimination (Differential Treatment, Retaliation, and Failure to Provide a Student Reasonable Modifications for Pregnancy and Related Conditions) and Sex-Based Harassment (Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Exploitation, Sexual Assault, Domestic Violence, Dating Violence, and Stalking), as each of those terms is defined below in Section V. Prohibited Conduct.

Non-Harassment Sex Discrimination as used in this Policy means the following forms of misconduct: Differential Treatment, Retaliation, and Failure to Provide a Student Reasonable Modifications for Pregnancy and Related Conditions, as each of those terms is defined below in Section V. Prohibited Conduct.

Sex-Based Harassment as used in this Policy means the following forms of misconduct: Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Exploitation, Sexual Assault, Domestic Violence,

Dating Violence, and Stalking, as each of those terms is defined below in Section V. Prohibited Conduct.

On the basis of sex as used in this Policy means when conduct is sexual in nature or is referencing or aimed at a particular sex. On the basis of sex includes on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Consent means words or overt actions by a person in advance clearly communicating a freely given present agreement to participate in a particular sexual contact or activity. Words or overt actions clearly communicate consent when a reasonable person in the circumstances would believe those words or actions indicate a willingness to participate in a mutually agreed-upon sexual contact or activity. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent. It is the responsibility of the person initiating the specific sexual contact or activity to obtain consent for that contact or activity.

The definition of consent is subject to the following:

- The use or threatened use of force or other forms of **coercion**, as defined by this Policy, take away a person's ability to give consent to sexual contact.
- Consent is not present simply because a party was silent or failed to resist a particular sexual act. Consent is active, not passive. Silence or the absence of resistance or saying "no," in and of themselves, cannot be interpreted as consent.
- An individual known to be—or who should be known to be—**incapacitated**, as defined by this Policy, cannot consent to sexual activity initiated by another individual. This is true regardless of whether the person voluntarily or involuntarily consumed the drugs or alcohol.
- Consent to one sexual act does not, by itself, constitute consent to another. Consent has to be specific to the act.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- An existing sexual, romantic, or marital relationship does not, by itself, constitute consent.
- Previous relationships or previous consent do not, by themselves, constitute consent to future sexual acts. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may be factors in determining whether there was consent.
- Whether an individual actively and willingly participates in conduct may be a factor in determining whether there was consent.
- Consent can be withdrawn at any time. When consent is withdrawn, the sexual activity for which consent was initially provided must stop.
- A person who is not of legal age (16 in Minnesota) cannot consent to sexual activity.

Coercion is conduct or intimidation that would compel an individual to do something against their will by: (1) the use of physical force, (2) threats of severely damaging consequences, or (3) pressure that would reasonably place an individual in fear of severely damaging consequences. Coercion is more than an effort to persuade or attract another person to engage in sexual activity. Coercive behavior differs from seductive behavior based on the degree and type of pressure someone uses to obtain consent from another.

Incapacitation is the physical and/or mental inability to understand the fact, nature, or extent of the sexual situation. Incapacitation may

result from mental or physical disability, sleep, unconsciousness, involuntary physical restraint, or from the influence of drugs or alcohol.

With respect to incapacitation due to the ingestion of alcohol or other drugs, incapacitation requires more than being under the influence of alcohol or other drugs; a person is not incapacitated just because they have been drinking or using other drugs. Where alcohol and other drugs are involved, incapacitation is determined based on the facts and circumstances of the particular situation, looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation; whether the individual was able to communicate decisions regarding consent, non-consent, or the withdrawal of consent; and whether such condition was known or reasonably should have been known to the respondent or a reasonable, sober person in the respondent's position.

Use of drugs or alcohol by the respondent is not a defense against allegations of Sex Discrimination. Regardless of their own level of intoxication, individuals who are initiating sexual contact are always responsible for obtaining consent before proceeding with sexual activity.

Unwelcome conduct occurs when the individual did not request or invite and regarded it as undesirable or offensive. The fact that an individual may have accepted the conduct does not mean that they welcomed it. On the other hand, if an individual actively participates in conduct and gives no indication that they object, then the evidence generally will not support a conclusion that the conduct was unwelcome. That a person welcomes some conduct does not necessarily mean that person welcomes other conduct. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion. Whether conduct was unwelcome may be determined based on the context and circumstances of the encounter or incident.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant, considering the ages, abilities, and relative positions of authority of the individuals involved in an incident.

Course of conduct means two or more acts, including, but not limited to, acts in which the respondent directly, indirectly, or through others (by any action, method, device, or means), follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment or counseling.

Relevant evidence means evidence related to the allegations of Sex Discrimination under investigation in a complaint resolution process under this Policy. 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.

Impermissible evidence means the following types of evidence: (1) evidence that is protected under a privilege as recognized by Federal or state law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality; (2) 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 Dunwoody obtains that party's or witness's voluntary, written consent for use in

the complaint resolution process; and (3) 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 provide consent to the alleged Sex-Based Harassment.

Credibility is in dispute when the decisionmaker must choose between competing narratives to resolve a complaint.

Inculpatory evidence is a statement or other evidence which tends to establish that a respondent has engaged in Sex Discrimination in violation of this Policy.

Exculpatory evidence is a statement or other evidence which tends to establish that a respondent has not engaged in Sex Discrimination in violation of this Policy.

V. Prohibited Conduct

Dunwoody prohibits the following forms of Sex Discrimination: Non-Harassment Sex Discrimination (Differential Treatment, Retaliation, and Failure to Provide a Student Reasonable Modifications for Pregnancy and Related Conditions) and Sex-Based Harassment (Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Exploitation, Sexual Assault, Domestic Violence, Dating Violence, and Stalking), as each term is defined below. Aiding others in acts of Sex Discrimination also violates this Policy.

When the terms in Section IV. Definitions are used as part of the Prohibited Conduct definitions below, the above definitions apply.

A. Non-Harassment Sex Discrimination

i. Differential Treatment

Differential Treatment is conduct on the basis of sex that excludes an individual from participation, denies the individual the benefits of, treats the individual less favorably, or otherwise adversely affects a term or condition of an individual's employment, education, living environment, or participation in a program or activity.

Examples of Differential Treatment include:

- Giving prohibited consideration to an individual's sex in deciding whether to offer an applicant a job interview or an employee a promotion;
- Requiring that members of a particular sex meet higher standards for advancement or promotion;
- Denying a student the opportunity to participate in an educational activity because of their sex.

Differential Treatment includes discrimination on the basis of sex stereotypes, pregnancy or related conditions, sexual orientation, and gender identity.

ii. Retaliation

Retaliation is any act of intimidation, threat, coercion, or discrimination or any other adverse action or threat thereof against any individual for the purpose of interfering with any right or privilege secured by Title IX, its regulations, or this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

Encouraging or assisting others to engage in Retaliation or to interfere with the process are also considered Retaliation and violate this Policy.

The following acts are examples of conduct that may constitute Retaliation if done for the purpose of interfering with a right or privilege secured by Title IX or this Policy or because an individual has made a report or complaint or participated or refused to participate in a complaint resolution process: acts or comments that are intended to discourage a person from engaging in activity protected under this Policy or that would discourage a reasonable person from engaging in activity protected under this Policy; acts or comments that are intended to influence whether someone participates in the complaint resolution process, including a live hearing; acts or comments intended to embarrass the individual; adverse changes in employment status or opportunities; adverse academic action; and adverse changes to academic, educational, and extra-curricular opportunities. Retaliation may be in person, through social media, email, text, and other forms of communication, representatives, or any other person. Retaliation may be present against a person even when the person's allegations of Sex Discrimination are unsubstantiated.

iii. Failure to Provide a Student Reasonable Modifications for Pregnancy and Related Conditions

Failure to Provide a Student Reasonable Modifications for Pregnancy and Related Conditions means failure to make reasonable modifications to Dunwoody policies, practices, or procedures for a student's pregnancy or related condition as necessary to prevent Sex Discrimination and ensure equal access to the College's education program or activity.

Reasonable modifications are based on a student's individualized needs.

Modifications that would fundamentally alter the nature of Dunwoody's education program or activity are not reasonable. Certain modifications may be reasonable in some circumstances but unreasonable in others depending on the particular course and other relevant circumstances.

B. Sex-Based Harassment

Sex-Based Harassment means sexual harassment and other harassment on the basis of sex, including on the bases of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that satisfies one or more of the following definitions:

i. Quid Pro Quo Harassment

Quid Pro Quo Harassment occurs when an employee, agent, or other person authorized by Dunwoody to provide an aid, benefit, or service under Dunwoody's education program or activity, including a student-employee, explicitly or implicitly conditions the provision of an aid, benefit, or service of Dunwoody on an individual's participation in unwelcome sexual conduct. Such unwelcome sexual conduct could include, but is not limited to, sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal, nonverbal, or physical conduct or communication of a sexual nature.

ii. Hostile Environment Harassment

Hostile Environment Harassment is 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 Dunwoody's education program or activity.

The following conduct, or other unwelcome sex-based conduct, may constitute Hostile Environment Harassment:

- Sexual flirtations, advances, or propositions;
- Requests for sexual favors;
- Verbal abuse of a sexual nature, obscene language, gender- or sexually-oriented jokes, verbal commentary about an individual's body, sexual innuendo, and gossip about sexual relations;
- The display of derogatory or sexually suggestive posters, cartoons, drawings, or objects, or suggestive notes or letters or e-mails or text messages or in a public space;
- Visual conduct such as leering or making gestures;
- Sexually suggestive comments about an individual's body or body parts, or sexual degrading words to describe an individual;
- Unwanted kissing;
- Touching of a sexual nature such as patting, pinching or brushing against another's body;
- Cyber or electronic harassment of a sexual nature;
- Degrading comments about a particular sex.

The circumstances that may be considered when determining whether conduct was so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Dunwoody's education program or activity include, but are not limited to:

- The degree to which the conduct affected the complainant's ability to access the College's education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within Dunwoody's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred;
- Other Sex-Based Harassment in the College's education program or activity;
- Whether the conduct was merely a discourteous, rude, or insensitive statement; and
- Whether the speech or conduct deserves the protection of academic freedom

iii. Sexual Exploitation

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another person for the benefit of anyone other than the one being exploited. Examples of Sexual Exploitation may include, but are not limited to:

- Intentional and repeated invasion of sexual privacy without consent (e.g., walking into the other person's room or private space without consent);
- Prostituting another person;
- Taking of or distribution of photographs/images, video or audio recording, or electronically broadcasting (e.g., with a web cam) a sexual activity without consent;
- Intentional removal or attempted removal of clothing that exposes an individual's bra, underwear, genitals, buttocks, or breasts, or that is otherwise sexual in nature, without consent;
- Intentionally allowing others to view/hear a sexual encounter (such as letting individuals hide in the closet or watch consensual sex) without consent;
- Viewing or permitting someone else to view another's sexual activity or intimate body parts, in a place where that person would have a reasonable expectation of privacy, without consent;

- Engaging in voyeurism without consent;
- Exposing one's genitals, buttocks, or breasts in non-consensual circumstances;
- Inducing another to expose their genitals, buttocks, or breasts in non-consensual circumstances;
- Knowingly transmitting a sexually transmitted disease or sexually transmitted infection to another person without their knowledge and consent;
- Ejaculating on another person without consent;
- Distributing or displaying pornography to another in non-consensual or unwelcomed circumstances.

While conduct may meet the definition of Sexual Exploitation and also be part of a finding of Hostile Environment Harassment, if the decisionmaker finds that conduct meets the definition of Sexual Exploitation or Hostile Environment Harassment, the decisionmaker generally will not separately analyze the same conduct under the other definition.

iv. Sexual Assault

Sexual Assault is any actual or attempted sexual contact, including penetration and contact with any object, with another person without that person's consent. As used in this Policy, sexual contact includes intentional contact by the accused with the victim's genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed; touching another with any of these body parts, whether clothed or unclothed; coerced touching by the victim of another's genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed; or forcing another to touch oneself with or on any of these body parts. Sexual Assault includes but is not limited to an offense that meets any of the following definitions:

- Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, oral penetration by a sex organ of another person, or oral contact with the sex organ of another person, without the consent of the victim.
- Fondling: the touching of the intimate parts (including the genital area, groin, inner thigh, buttocks, or breast) of another person for the purpose of sexual gratification, without the consent of the victim.
- Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory rape: sexual intercourse with a person who is under the statutory age of consent; in Minnesota, the age of consent is 16.

Sexual Assault is also prohibited by Minnesota law. See Section XVII. State Law Definitions below for applicable criminal law definitions.

v. Domestic Violence

Domestic Violence includes a felony or misdemeanor crime committed by a person who (a) is a current or former spouse or intimate partner of the victim under the Minnesota family or domestic violence laws (or if the crime occurred outside of Minnesota, the jurisdiction in which the crime occurred), 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 victim who is protected from those acts under the Minnesota family or domestic laws.

While not exhaustive, the following are examples of conduct that can constitute Domestic Violence when committed by a current or former spouse or intimate partner of the victim or a person similarly situated to a spouse of the victim: (1) physical harm, bodily injury or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault;

or (3) terroristic threats, criminal sexual conduct, or interference with an emergency call.

For purposes of this Domestic Violence definition, consent will not be a defense to a complaint of physical abuse.

Domestic Violence is also prohibited by Minnesota law. See Section XVII. State Law Definitions below for applicable criminal law definitions related to Domestic Violence.

vi. Dating Violence

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined with consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating Violence includes, but is not limited to, sexual or physical abuse, such as physical harm, bodily injury, or criminal assault, or the threat of such abuse. For purposes of this Dating Violence definition, consent will not be a defense to a complaint of physical abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

Dating Violence is also prohibited by Minnesota law. See Section XVII. State Law Definitions below for applicable criminal law definitions relating to Dating Violence.

vii. Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for their safety or the safety of others; or (2) suffer substantial emotional distress.

[1] (p.) Some instances of Stalking may not be on the basis of sex. This Policy prohibits all forms of Stalking, regardless of whether it is based on sex.

Stalking behavior may include, but is not limited to:

- Repeated, unwanted and intrusive communications by phone, mail, text message, and/or email or other electronic communications, including social media;
- Repeatedly leaving or sending the victim unwanted items, presents, or flowers;
- Following or lying in wait for the victim at places such as home, school, work, or recreational facilities;
- Making direct or indirect threats to harm the victim, or the victim's children, relatives, friends, or pets;
- Damaging or threatening to damage the victim's property;
- Repeatedly posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth, that would cause a person to feel threatened or intimidated;
- Unreasonably obtaining personal information about the victim.

For the purposes of this Stalking definition, not all communication about a person will be considered to be directed at that person.

Stalking is also prohibited by Minnesota law. See Section XVII. State Law Definitions below for applicable definitions of criminal stalking.

VI. Student Requesting Reasonable Modifications for Pregnancy and Related Conditions

Dunwoody will make reasonable modifications to Dunwoody's policies, practices, or procedures for a student's pregnancy and related conditions as necessary to prevent Sex Discrimination and ensure equal access to Dunwoody's program or activity. Students who want to request a reasonable modification due to pregnancy or a related condition should contact the Title IX Coordinator who will coordinate with the appropriate faculty or staff to evaluate and implement reasonable modifications. The Title IX Coordinator, appropriate faculty or staff and the student will engage in a good faith interactive process to identify appropriate reasonable modifications. Reasonable modifications are based on a student's individualized needs. Modifications that would fundamentally alter the nature of Dunwoody's education program or activity are not reasonable. Certain modifications may be reasonable in some circumstances but unreasonable in others depending on the particular course and other relevant circumstances.

Given the time sensitive nature of requests for reasonable modifications, a student must reach out to the Title IX Coordinator to request a reasonable modification and engage in a good faith interactive process to identify and implement reasonable modifications before seeking action under this Policy. If, after participating in a good faith interactive process with the Title IX Coordinator and the appropriate faculty or staff member, a student believes they have been denied reasonable modifications necessary to prevent Sex Discrimination and ensure equal access to Dunwoody's program or activity, they may file a complaint under this Policy.

VII. Confidentiality

Dunwoody encourages individuals who have experienced Sex Discrimination to talk to someone about what happened. Privacy and confidentiality have distinct meanings under this Policy. Different people on campus have different legal reporting responsibilities, and different abilities to maintain privacy or confidentiality, depending on their roles at Dunwoody.

In making a decision about whom to contact for support and information, it is important to understand that Dunwoody employees are not confidential employees, and are therefore obligated to report to Dunwoody any information they receive about Sex Discrimination. Persons who have experienced Sex Discrimination are encouraged to consider the following information in choosing whom to contact for information and support, and are encouraged to ask about a person's ability to maintain confidentiality before offering any information about alleged Sex Discrimination.

A. Confidential Employees and External Confidential Resources

Dunwoody recognizes that some individuals may wish to keep their concerns confidential. Confidential communications are those communications which cannot be disclosed to another person, without the reporter's consent, except under very limited circumstances such as allegations involving the physical abuse, sexual abuse, or neglect of a child (under the age of 18) or vulnerable adult or an imminent threat to the life of any person. Individuals who desire the details of Sex Discrimination to be kept confidential should speak with a medical

professional, professional counselor, minister or other pastoral counselor, or trained victims' advocate.

Individuals that desire the details of the incident be kept confidential should contact any of the following external confidential resources:

External Confidential Resources

[RAINN (Rape, Assault, and Incest National Network)

<https://www.rainn.org/>

(800) 656-HOPE

24-hour hotline; free and confidential

Sexual Offense Services

St. Paul, Minnesota

<http://www.co.ramsey.mn.us/ph/hs/sos.htm>

(651) 643-3006

24-hour hotline; free and confidential

Sexual Violence Center

Minneapolis, Minnesota

www.sexualviolencecenter.org

(612) 871-5111

24-hour hotline; free and confidential

*Domestic Abuse Service Center**

<http://www.mncourts.gov/district/4/?page=369>

Hennepin County Government Center

Rm. #A-0650 (lower level)

300 S. 6th Street

Minneapolis, MN 55487

(612)348-5073

* The Domestic Abuse Service Center is available to help victims of domestic abuse (abuse by a family or household member) obtain orders for protection. In addition, harassment restraining orders are available for other types of harassment and assault. <http://www.mncourts.gov/district/4/?page=763> Victims do not have to report conduct to police to obtain a harassment restraining order. Dunwoody requires all students and employees whose conduct is subject to an order for protection or harassment restraining order to comply with such orders.

Minnesota Office of Justice, Crime Victims Programs

<https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/default.aspx>

(Monday - Friday, 8:00 AM – 4:30 PM)

651-201-7300 or 888-622-8799, ext. 1 for financial help

800-247-0390, ext. 3 for information and referral

651-205-4827 TTY

Resource list for victims: <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/resource-list-victims.aspx>

Hennepin County Victim Services

Hennepin County Attorney's Office

<http://www.hennepinattorney.org/get-help/crime/victim-services>

(612) 348-4003

Lawhelpmn.org (Legal information on a variety of Sexual Assault issues)

<http://www.lawhelpmn.org/issues/abuse-violence-crime-victims-rights/sexual-assault-and-other-crime-victims>

Walk-In Counseling Center

(Free Mental health Counseling)

<http://www.walkin.org/>(check website for hours)

2421 Chicago Avenue S

Minneapolis, MN 55404

612-870-0565 x 100

Health Care Options

Hennepin County Medical Center

Sexual Assault Resources Service

612-873-5832

701 Park Avenue

Orange Building, 2.220

Minneapolis, MN 55415

Please note that if a concern is reported only to an external confidential source and not to a non-confidential employee at Dunwoody, Dunwoody will be unable to provide certain supportive measures that would require involvement from Dunwoody (such as issuing a no-contact directive), conduct an investigation into the particular incident, or pursue disciplinary action.

Non-Confidential Communications

All Dunwoody employees who become aware of information about conduct that reasonably may constitute Sex Discrimination are required to report the matter to the Title IX Coordinator. Dunwoody employees will strive to remind an individual of their reporting obligations before the individual has disclosed a situation that requires reporting to the Title IX Coordinator.

Although most College employees cannot promise confidentiality, the College is committed to protecting the privacy of individuals involved in a report of Sex Discrimination and will take reasonable steps to protect the privacy of the parties and witnesses during the complaint resolution process. Dunwoody will not disclose personally identifiable information related to a report or complaint of Sex Discrimination, except in the following circumstances:

- To carry out Dunwoody's obligations under Title IX, including action taken to address conduct that may reasonably constitute Sex Discrimination and to carry out the complaint resolution process;
- When Dunwoody has obtained prior written consent from a person with the legal right to consent to the disclosure;
- When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- As required by Federal law, Federal regulations, or the terms and conditions of a Federal award; and
- As required by state or local law, when permitted by FERPA.

Allegations of policy violations will be considered private and will only be shared with other Dunwoody employees on a need to know basis, as permitted by law. The allegations will not be shared with law enforcement without the consent of the individual who has alleged the Sex Discrimination, unless the allegations relate to physical abuse, sexual abuse, or neglect of a child under the age of 18 (see Section IX.A.iii. Mandatory Reporting Concerning Minors and Vulnerable Adults below for more information) or unless compelled to do so pursuant to a subpoena or court order.

In addition, although Dunwoody will strive to protect the privacy of all individuals involved to the extent possible consistent with Dunwoody's legal obligations, Dunwoody may be required to share information with

individuals or organizations outside the College under reporting or other obligations under federal and state law, such as reporting of Clery Act crime statistics and mandatory reporting of child abuse and neglect. In addition, if there is a criminal investigation or civil lawsuit related to the alleged misconduct, the College may be subject to a subpoena or court order requiring Dunwoody to disclose information to law enforcement and/or the parties to a lawsuit. In these cases, personally identifying information will not be reported to the extent allowed by law and, if reported, affected students will be notified consistent with Dunwoody's responsibilities under FERPA, as allowed by law.

B. Requests for Confidentiality or Non-Action

When Dunwoody receives a report of Sex Discrimination, it has a legal obligation to respond in a timely and appropriate manner. Making a report to the College does not require an individual to begin or participate in a complaint resolution process or to report to local law enforcement. However, based on the information gathered, Dunwoody may determine that it has a responsibility to move forward with a complaint resolution process (even without the participation of the complainant).

In a situation in which the complainant requests that their name or other personally identifiable information not be shared with the respondent or that no action be taken against the respondent, or otherwise does not make a complaint of Sex Discrimination, the Title IX Coordinator will make a fact-specific determination considering the following factors:

- the complainant's request not to proceed with initiation of a complaint;
- the complainant's reasonable safety concerns regarding initiation of a complaint;
- the risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- the severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- the age and relationship of the parties, including whether the respondent is an employee of the College;
- the scope of the alleged discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- the availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- whether Dunwoody could end the alleged sex discrimination and prevent its recurrence without initiating its complaint resolution process; and
- other relevant factors.

If, after considering these factors, the Title IX Coordinator determines that: (1) the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or (2) the conduct as alleged prevents Dunwoody from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator will generally initiate a complaint. The Title IX Coordinator initiating a complaint does not make the Title IX Coordinator a party to the complaint resolution process or adverse to the respondent.

If the Title IX Coordinator will be initiating a complaint, the Title IX Coordinator will notify the complainant before proceeding and will appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive

measures. At the complainant's request, the Title IX Coordinator may communicate to the respondent that the complainant asked Dunwoody not to investigate and that Dunwoody determined it needed to do so. A complainant can choose not to participate in any complaint resolution process. In instances where Dunwoody moves forward with a complaint resolution process without the participation of the complainant, the complainant will have the same rights as provided to a complainant under this Policy.

Regardless of whether the Title IX Coordinator initiates a complaint, the College will take other appropriate prompt and effective steps to ensure that Sex Discrimination does not continue or recur within Dunwoody's education program or activity. However, the scope of the response by Dunwoody may be impacted or limited based on the nature of the complainant's request. Dunwoody will likely be unable to conduct an investigation into the particular incident or to pursue disciplinary action against the respondent and also maintain confidentiality.

C. Statistical Reporting and Clery Act Warning

Pursuant to the Clery Act, Dunwoody includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education and the Minnesota Office of Higher Education in a manner that does not include any personally identifying information about individual involved in an incident.

In addition, the Clery Act requires Dunwoody to issue a crime alert (timely warning) to the campus community about certain reported offenses which may represent a serious or continuing threat to students and employees. The timely warning may include that an incident has been reported, general information surrounding the incident, and how incidents of a similar nature might be prevented in the future. The timely warning will not include any identifying information about the complainant.

Publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual security report and daily crime log, will not include names or other information that may personally identify either party, to the extent permitted by law. To ensure that a complainant's personally identifying information will not be included in publicly available recordkeeping, the Title IX Coordinator will describe the alleged incidents by removing the complainant's and respondent's names and any other identifiers that would enable the public to identify the complainant or respondent in the context of the incident report.

Minnesota law requires institutions to collect statistics, without inclusion of any personally-identifying information, regarding the number of reports of Sexual Assault received by an institution and the number of types of resolutions. Data collected for purposes of submitting annual reports containing those statistics to the Minnesota Office of Higher Education under Minn. Stat. 135A.15 shall only be disclosed to the complainant, persons whose work assignments reasonably require access, and, at the complainant's request, police conducting a criminal investigation. Nothing in this paragraph is intended to conflict with or limits the authority of Dunwoody to comply with other applicable state or federal laws.

D. Public Awareness Events

From time-to-time Dunwoody may hold public events to raise awareness about Sex-Based Harassment. Employees who attend a public awareness event on Dunwoody campus or through an online platform are legally required to report information regarding Sex Discrimination, including Sex-Based Harassment, to the Title IX Coordinator. Because of this reporting requirement and to facilitate open discussion during public awareness events, Dunwoody employees are not permitted to attend

public awareness events held on campus or through an online platform sponsored by Dunwoody.

If the Title IX Coordinator is notified of conduct that reasonably may constitute Sex-Based Harassment that was shared at such a public awareness event, Dunwoody generally will not respond to the information, unless the Title IX Coordinator, in consultation with other appropriate Dunwoody officials, determines the information indicates an imminent and serious threat to the health or safety of a complainant, any students, employees, or other persons. Regardless, the College will use the information to inform its efforts to prevent Sex-Based Harassment.

E. Steps to Protect the Privacy of Parties and Witnesses

Dunwoody does not prohibit the parties from obtaining and presenting evidence (including by speaking to witnesses), consulting with family members, confidential employees or external confidential resources, or advisors, or otherwise preparing for or participating in the complaint resolution process. However, the College is legally required to take reasonable steps to protect the privacy of the parties and witnesses during the complaint resolution process. Pursuant to this legal obligation, Dunwoody takes the steps described throughout this Policy to protect the privacy of the process. These steps include:

Prior to receiving access to the relevant and not otherwise impermissible evidence and investigation report, the parties and advisors (if any) are required to sign a non-disclosure agreement agreeing to use the evidence and investigation report only for purposes of participating in the complaint resolution process and not to disseminate or otherwise share the evidence or investigation report with any other individual. See Section XI.F.iii. Access to Relevant Evidence and Investigation Report below for more information.

Dunwoody prohibits parties and witnesses in a complaint resolution process from making widespread disclosures via social media or other media regarding the allegations or the complaint resolution process while the process is pending.

Dunwoody will take steps to address any unauthorized disclosure of information or evidence, including but not limited to taking disciplinary action. An allegation of a violation of this Section will be handled pursuant to Section XIV. Complaints of Related Misconduct below.

VIII. Immediate and Ongoing Assistance Following an Incident of Sex Discrimination

Dunwoody seeks to support any person adversely impacted by Sex Discrimination. Both Dunwoody and the local community provide a variety of resources to assist and support individuals who have experienced Sex Discrimination or are affected by allegations of Sex Discrimination. These resources, both immediate and ongoing, are available to all persons irrespective of their decision to report to Dunwoody or to law enforcement.

Support services that may be available include, but are not limited to, connecting the individual with appropriate on-campus and off-campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and support services; making changes to academic, living, transportation, and/or working arrangements; assistance in filing a criminal complaint; and providing information about restraining orders and other available protections and services. Additional information about ongoing assistance is in Section

X.G. Supportive Measures below. To receive information about obtaining support services, individuals should contact the Title IX Coordinator.

Dunwoody will provide written notification to affected individuals about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within Dunwoody and in the community.

A complete description of Dunwoody and community resources, both confidential and non-confidential, and additional information regarding what to do if you experience Sex Discrimination is provided in Section O. Resources at the end of this Policy and on Dunwoody's website. Individuals who believe they have been subjected to any form of Sex Discrimination are encouraged to seek support from these resources.

IX. Reporting Sex Discrimination

A. Reporting to the College

The College encourages anyone who has experienced or knows of Sex Discrimination to report the incident to the College. An individual may report Sex Discrimination to the College by contacting the following:

Kelli Sattler, Ed.D.
Title IX Coordinator
Dean of Student Affairs
612-381-3437
Office: Pinska Center
ksattler@dunwoody.edu

Students: Dean of Students Affairs and Title IX Coordinator, Kelli Sattler (612) 381-3437, Office: Pinska Center, ksattler@dunwoody.edu

Employees: Vice President of Human Resources, Patricia Edman (612) 381-3308, Office: Blue 54, pedman@dunwoody.edu (<http://gpia2/InterAction/relationship-overview-person/?contactId=8590207502&IACContactId=8590280173&folderId=&hasFolderId=false&fo>)

Reports can be made by telephone, via email, via mail, or in person. Reports may be made at any time, including non-business hours by phone, email, mail, or the College's website (<https://dunwoody.edu/campus-life/public-safety/title-ix/>).

Reports to the College should include as much information as possible, including the names of the complainant, respondent, and other involved individuals, and the date, time, place, and circumstances of the incidents, to enable the College to respond appropriately.

Upon receiving a report of Sex Discrimination, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures and to explain the process of making a complaint and the complaint resolution process. In addition, when a student or employee reports to the College that they have been a victim of Sexual Assault, Dating Violence, Domestic Violence, or Stalking, whether the offense occurred on or off campus, the College will provide the student or employee with a written explanation of the student's or employee's rights and options, along with the procedures victims should follow.

If an individual has made a report to a College employee who is not a confidential employee and has not yet heard from the Title IX Coordinator, please report directly to the Title IX Coordinator.

i. Employee Reporting Obligations

All Dunwoody employees who are not confidential employees and who obtain or receive information about conduct that reasonably may

constitute Sex Discrimination must report that information to the Title IX Coordinator. Student employees who receive such information in the course of their work position or duties also must report the information to the Title IX Coordinator.

Incidents that must be reported by Dunwoody employees include:

- Incidents personally observed;
- Incidents/allegations that are reported to the employee; and
- Incidents/allegations of which the employee otherwise becomes aware.

Such reports should be made as soon as possible and should include all relevant details needed to assess the situation. This includes, to the extent known, the names of the complainant, respondent, and others involved in the incident, as well as relevant facts, including the date, time, and location of any incident.

Employees who receive such reports of Sex Discrimination should not attempt to “investigate” the allegation or require the complainant/reporting individual to provide all of the details surrounding the alleged misconduct. To the extent the complainant/reporting individual provides details, that information should be provided to the Title IX Coordinator. Upon receiving a report of alleged or possible Sex Discrimination, the Title IX Coordinator will evaluate the information received and determine what further actions should be taken, consistent with the complaint resolution process and this Policy.

College employees who are not confidential employees and receive a report of Sex Discrimination should bring the report directly to the Title IX Coordinator and should not share information about the report with any other individual. If the employee is uncertain whether the information should be reported to the Title IX Coordinator, the employee should seek guidance from the Title IX Coordinator before providing the Title IX Coordinator with any identifiable information regarding the report.

Failure of a Dunwoody employee who is not a confidential employee to report allegations of Sex Discrimination to the Title IX Coordinator may result in disciplinary action.

ii. Anonymous Reports

The College will accept anonymous reports of Sex Discrimination.

Reports may be filed anonymously using the College’s anonymous reporting form: <https://dunwoody.edu/campus-life/public-safety/title-ix/>. Dunwoody will likely be limited in its ability to investigate an anonymous report or take responsive action unless sufficient information is provided to enable the College to conduct a meaningful investigation.

The individual making the report is encouraged to provide as much detailed information as possible.

iii. Mandatory Reporting Concerning Minors and Vulnerable Adults

Any Dunwoody employee who knows or has reason to believe a child is being maltreated or has been maltreated within the preceding three years on campus or Dunwoody property or in connection with any Dunwoody event, program, or activity must report it immediately to the Title IX Coordinator. In addition, as a mandatory reporter under Minnesota law, such individual must also immediately report the abuse or neglect to the local welfare agency or police department. Additional information regarding county offices can be found here: <https://mn.gov/dhs/people-we-serve/children-and-families/services/child-protection/contact-us/>. Additionally, any Dunwoody employee who becomes aware of the abuse or neglect of a vulnerable adult on campus or College property or in connection with any College event, program, or activity must report it

immediately to the Title IX Coordinator and to the state Adult Abuse Reporting Center at 1-844-880-1574.

B. Reporting to Law Enforcement

Some types of Sex Discrimination prohibited by this Policy, such as Sexual Assault, Domestic Violence, Dating Violence, Stalking, and certain forms of Sexual Exploitation, also may constitute criminal conduct.

Individuals who believe they may have been subjected to criminal sexual conduct are strongly encouraged to notify local law enforcement authorities. If the individual requests, campus authorities will assist in notifying law enforcement authorities. Dunwoody will, at the direction of law enforcement, provide complete and prompt assistance in obtaining, securing, and maintaining evidence in connection with criminal conduct that violates this Policy. Individuals also have the option to decline to notify law enforcement.

Individuals may file a criminal complaint and make a complaint under this Policy simultaneously. Reporting to law enforcement is not necessary for Dunwoody to proceed with a complaint resolution process.

If you would like to report sexual violence to law enforcement, the Minneapolis Police Department can be contacted by calling 911 or (612) 673-5701. This phone number is a call directly to the Police Department. You will be asked the nature of your call and be connected with specific law enforcement officers who are trained to interact with Sexual Assault victims.

C. Orders for Protection, Criminal No-Contact Orders, and Dunwoody No-Contact Directives

Individuals who would like to avoid contact with another individual have several options available to them, including seeking a protective order from a civil court or requesting a no-contact order from Dunwoody.

Orders for Protection

Orders for protection, sometimes called protective orders or restraining orders, are legal orders issued by a state court that provide protection from domestic or family violence, stalking, harassment, or a sex offense. The Minnesota Judicial Branch is responsible for issuing orders for protection. A victim may seek an order for protection by going to the District Court in their county. See Minnesota Statutes Section 518B.01 (4).

Additional information regarding seeking an order for protection can be found at: <https://www.mncourts.gov/Help-Topics/Domestic-Abuse-and-Harassment.aspx>. Additionally, Violence Free Minnesota has a directory of domestic violence services and programs statewide at <https://www.vfmn.org/find-a-program> (<https://www.vfmn.org/find-a-program/>). The organization also has a 24-hour hotline for voice calls at 866-223-1111, or for texts at 612-399-9995.

Criminal No-Contact Orders

Criminal no-contact orders are legal orders issued by a court against a defendant in a criminal proceeding, including for domestic battery, a violent crime, a sex offense, or other crimes involving domestic or family violence. A criminal no-contact order is requested by the prosecutor and may be issued before the end of the criminal case or following a conviction.

College No-Contact Orders

A no-contact order is a College-issued directive that prohibits one or both parties from communication or contact with another. No-contact orders

may be mutual or one-sided. Generally, no-contact orders issued prior to the conclusion of a complaint resolution process will be mutual and serve as notice to both parties that they must not have verbal, electronic, written, or third-party communication with one another. To request a no-contact directive order the College, individuals should contact the Title IX Coordinator.

The College is responsible for honoring requests for information about available options for orders for protection and Dunwoody no-contact order and has a responsibility to comply with and enforce such orders.

To request additional information about available options for orders for protection and Dunwoody no-contact orders, contact the Title IX Coordinator. An order for protection or criminal no-contact order can be enforced by contacting local law enforcement. A Dunwoody no-contact order may be enforced by contacting Dunwoody Campus Security or the Title IX Coordinator. The College will fully cooperate with any protective order issued by criminal, civil, or tribal court.

D. Crime Victims Bill of Rights

Pursuant to state law, victims of crime must be informed of their rights under the Crime Victims Bill of Rights. The following is a summary of crime victims' rights under Minnesota law.

When a crime is reported to law enforcement, victims have the right to:

- Request that their identity be kept private in reports available to the public;
- Be notified of crime victim rights and information on the nearest crime victim assistance program or resource;
- Apply for financial assistance for non-property losses related to a crime;
- Participate in prosecution of the case, including the right to be informed of a prosecutor's decision to decline prosecution or dismiss their case;
- Protection from harm, including information about seeking a protective or harassment order at no cost;
- Protection against employer retaliation for taking time off to attend protection or harassment restraining order proceedings; and
- Assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety.

Victims of domestic abuse also have the right to terminate a lease without penalty. Victims of Sexual Assault have the right to undergo a confidential Sexual Assault examination at no cost, make a confidential request for HIV testing of a convicted felon, and are not required to undergo a polygraph examination in order for an investigation or prosecution to proceed. In cases of domestic abuse and violent crime where an arrest has been made, victims also have the right to be provided notice of the release of the offender, including information on the release conditions and supervising agency.

Complete information about crime victims' rights can be found at: <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx>

Information about victims' rights is also available from the Title IX Coordinator or from the Minnesota Department of Public Safety, Office of Justice Programs, and in Minnesota Statutes Chapter 611A.

E. Waiver of Drug/Alcohol Violations

Dunwoody strongly encourages reporting instances of Sex Discrimination. Consequently, individuals who make a good faith

report of such information, and individuals who participate in a Sex Discrimination complaint resolution process, will not be disciplined by Dunwoody for any violation of its drug and alcohol policies in which they might have engaged in connection with the reported incident, except as outlined in this section. Dunwoody, however, reserves the right to require individuals to participate in training or educational programming designed to reduce risk and promote health and wellbeing.

The participation in such training or educational programming will not be reflected on a community member's official records. In addition, Dunwoody may still pursue disciplinary action for the alleged violation of Dunwoody drug and alcohol policies in instances where any other individual is harmed by the conduct constituting a violation of Dunwoody drug and alcohol policies, where an employee who engaged in a violation of College policy holds a leadership role on campus, including a leadership role over students or employees, or where an employee is engaged in a violation of College policy with a student. In those cases the College may still pursue disciplinary action for the alleged violation of other College policies.

F. Emergency Removal

The College reserves the right to remove a student respondent, in whole or in part, from the College's education program or activity on an emergency basis. Prior to removing the student respondent on an emergency basis, the College will undertake an individualized safety and risk analysis and will determine that an imminent and serious threat to the health or safety of any student, employee or other individual arising from the allegations of Sex Discrimination justifies removal. If a student respondent is removed on an emergency basis, the College will provide the student respondent with notice and an opportunity to challenge the decision immediately following the removal.

G. Administrative Leave

The College reserves the right to place an employee respondent on administrative leave during the pendency of the complaint resolution process.

An employee may also be assigned other duties during the pendency of the complaint resolution process.

X. General Provisions for Complaint Resolution Process

When Dunwoody receives a complaint of an alleged violation of this Policy, Dunwoody will promptly and equitably respond to the complaint in accordance with the provisions and procedures set forth below. The College will provide a prompt, fair and impartial complaint resolution process. A fair process is one that treats the parties equitably, provides complainant an opportunity to file a complaint alleging a violation of this Policy and an opportunity to present evidence of the allegations prior to a decision on responsibility, provides respondent notice of the allegations and an opportunity to respond to and present evidence related to those allegations prior to a decision on responsibility, and, when credibility is in dispute and relevant to evaluating the allegations, provides a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility. In matters when credibility is in dispute and relevant to evaluating the allegations, the process for enabling the decisionmaker to assess a party's or witness's credibility differs depending on the allegations and identities of the parties, as is further described below.

Each complaint resolution process will require an objective evaluation of all relevant and not otherwise impermissible evidence, including both

inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The burden to conduct an investigation that gathers sufficient evidence to determine whether Sex Discrimination occurred rests on the College and not on the parties.

Dunwoody will not use impermissible evidence or questions seeking impermissible evidence, as defined above.

This Policy provides different procedures depending on the particular circumstances of a case, including the type of Sex Discrimination that is alleged and the status of the parties involved. The General Grievance Procedure described below applies to: (1) allegations of Non-Harassment Discrimination involving one or more individuals as the respondent and (2) allegations of Sex-Based Harassment where neither party is a student. The Heightened Grievance Procedure described below applies to allegations of Sex-Based Harassment involving at least one student party. In matters involving a student-employee, whether an individual is considered a student or an employee for the purpose of determining which grievance procedure applies will be determined on a case-by-case basis considering: (1) whether the party's primary relationship with the College is to receive an education; (2) whether the alleged Sex-Based Harassment occurred while the party was performing employment-related work; and (3) other relevant factors at the College's discretion. When a complaint of Sex Discrimination alleges that a Dunwoody policy or practice discriminates on the basis of sex, Dunwoody is not considered a respondent and Dunwoody has discretion to follow a different process as determined appropriate at Dunwoody's discretion.

If a complaint includes both an allegation that implicates the General Grievance Procedure and an allegation that implicates the Heightened Grievance Procedure, Dunwoody reserves the right to process the allegations in the same complaint resolution process or to separate the allegations into separate complaint resolution processes.

A. Trained Officials

Each complaint resolution process will be conducted by individuals, including coordinators, investigators, decisionmakers, any person who facilitates an informal resolution process, persons with authority to modify or terminate supportive measures, and any other person responsible for implementing the grievance procedure, who do not have a conflict of interest or bias for or against complainants or respondents generally or for or against the individual complainant or respondent. Additionally, all individuals involved in the complaint resolution process will receive training as described below in Section XIII.B. Training for Individuals with Heightened Responsibilities.

B. Equal Rights of the Complainant and Respondent

In all Sex Discrimination complaint resolution processes under this Policy, the complainant and respondent are entitled to:

- Respect, sensitivity, and dignity;
- Appropriate support from the College;
- Privacy to the extent possible based on applicable law and College policy;
- Information regarding all applicable policies and procedures;
- Written explanation of available resources;
- The right to participate or decline to participate in the complaint resolution process, with the acknowledgement that not participating, either totally or in part, may not prevent the process from proceeding with the information available;

- Equitable procedures that provide both parties with a prompt and impartial complaint resolution process conducted by officials who receive annual training on conduct prohibited by this Policy;
- Notice of the allegations and defenses and an opportunity to respond;
- Written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings at which the party's participation is invited or expected, with sufficient time for the party to prepare to participate;
- Timely notice of meetings that are part of the complaint resolution process at which the complainant or respondent may be present;
- An equal opportunity to identify relevant witnesses and other evidence and to suggest possible topics to be covered with witnesses during the complaint resolution process;
- For the complainant, not to be questioned or have evidence considered regarding the complainant's prior sexual conduct with anyone other than the respondent, unless such questions or evidence are to prove that someone other than the respondent committed the alleged Sex Discrimination;
- An equal opportunity to access the evidence that is relevant to the allegations of Sex Discrimination and not otherwise impermissible, as set forth in Section XI.F.iii. Access to Relevant Evidence and Investigation Report below;
- The right to notification, in writing, of the resolution, including the outcome of any appeal;
- For the complainant, the right to report the incident to law enforcement at any time or to decline to do so;
- The right to be free from Retaliation as defined in this Policy;
- For the respondent, the right to not be subject to discipline for Sex Discrimination prior to the conclusion of a formal or informal resolution process as set forth in this Policy;
- The right to assistance of campus personnel (during and after the complaint process), in cooperation with the appropriate law enforcement authorities, in shielding the complainant or respondent, at their request, from unwanted contact with the complainant or respondent, including but not limited to a no-contact order issued by Dunwoody, transfer to alternative classes or to alternative Dunwoody-owned housing (if alternative classes or housing are available and feasible), change in work location or schedule, or reassignment (if available and feasible); and to receive assistance with academic issues;
- The right to the assistance of campus authorities in preserving materials relevant to a campus complaint proceeding; and
- The right to be provided access to their description of the incident, as it was reported to the College, including if the individual transfers to another post-secondary institution, subject to compliance with FERPA, the Clery Act, Title IX, and other federal or state law. Requests for an individual's description of the incident should be made to the Title IX Coordinator.

C. Additional Rights in Cases Implicating the Heightened Grievance Procedure

In cases under the Heightened Grievance Procedure (allegations of Sex-Based Harassment involving at least one student party), the following additional rights will be afforded to the complainant and the respondent:

- The parties have the right to be accompanied to any complaint resolution process meeting or proceeding by the advisor of their

choice, who may be, but is not required to be, an attorney. Dunwoody will not limit the choice or presence of an advisor for either the complainant or respondent in any meeting related to the complaint resolution process. See Section XI.E Right to an Advisor below for additional information and requirements regarding the conduct of advisors.

- The parties will have the same opportunities, if any, to have persons other than the advisor of the parties' choice present during any meeting or proceeding. Additional persons will only be permitted to be present if required by law.
- The complaint resolution process will include a live hearing, at which each party may propose questions and follow-up questions the party wants asked of any party or witness. At the live hearing, the decisionmaker will consider the proposed questions and follow-up questions and will ask any relevant and not otherwise impermissible questions of the parties and witnesses, as set forth in Section XI.F.iv. Live Hearing below.
- The complainant has the right to decide when to repeat a description of an incident of Sex-Based Harassment, and the respondent has the right to decide when to repeat a description of a defense to such allegations.

In addition, a complainant who alleges Sex-Based Harassment, has the following rights:

- To be informed by the College of options to notify proper law enforcement authorities of an incident of Sex-Based Harassment, and the right to report to law enforcement at any time or to decline to notify such authorities;
- To the complete and prompt assistance of campus authorities, at the complainant's request, in notifying the appropriate law enforcement officials and Dunwoody officials of a Sex-Based Harassment incident and filing criminal charges with local law enforcement officials in criminal Sex-Based Harassment cases;
- The right to the complete and prompt assistance of campus authorities, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with a Sexual Assault incident;
- Not to be treated by campus authorities in a manner that suggests that they are at fault for the Sexual Assault or that they should have acted in a different manner to avoid the Sexual Assault;
- To be offered fair and respectful health care, counseling services, or referrals to such services and notice of the availability of campus or local programs providing Sexual Assault advocacy, Dating Violence, Domestic Violence, or Stalking services;
- To be offered assistance from the Crime Victim Reparations Board and the Commissioner of Public Safety; and
- For students who choose to transfer to another post-secondary institution, at the student's request, the right to receive information about resources for victims of Sex-Based Harassment at the institution to which the student is transferring.

D. Additional Rights in Cases Involving Allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking Where Neither Party is a Student

In cases involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking, where neither party is a student, the following additional right will be afforded to the complainant and the respondent:

- The parties have the right to be accompanied to any complaint resolution process 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 an advisor for either the complainant or respondent in any meeting related to the complaint resolution process. See Section #. Right to an Advisor below for additional information and requirements regarding the conduct of advisors.
- The complainant has the right to decide when to repeat a description of an incident of Sexual Assault, Domestic Violence, Dating Violence, or Stalking, and the respondent has the right to decide when to repeat a description of a defense to such allegations.

In addition, a complainant who alleges Sexual Assault, Domestic Violence, Dating Violence, and Stalking where neither party is a student, has the following rights:

- To be informed by the College of options to notify proper law enforcement authorities of an incident of Sexual Assault, Domestic Violence, Dating Violence, or Stalking, and the right to report to law enforcement at any time or to decline to notify such authorities;
- To the complete and prompt assistance of campus authorities, at the complainant's request, in notifying the appropriate law enforcement officials and Dunwoody officials of a Sexual Assault, Domestic Violence, Dating Violence, or Stalking incident and filing criminal charges with local law enforcement officials in Sexual Assault, Domestic Violence, Dating Violence, and Stalking cases;
- The right to the complete and prompt assistance of campus authorities, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with a Sexual Assault incident;
- Not to be treated by campus authorities in a manner that suggests that they are at fault for the Sexual Assault or that they should have acted in a different manner to avoid the Sexual Assault;
- To be offered fair and respectful health care, counseling services, or referrals to such services and notice of the availability of campus or local programs providing Sexual Assault advocacy, Dating Violence, Domestic Violence, or Stalking services; and
- To be offered assistance from the Crime Victim Reparations Board and the Commissioner of Public Safety.

E. Right to an Advisor

The complainant and the respondent in a complaint resolution process involving allegations of (1) Sex-Based Harassment with at least one student party (the Heightened Grievance Procedure) or (2) Sexual Assault, Dating Violence, Domestic Violence, and Stalking where neither party is a student, have the right to be accompanied to meetings by an advisor of their choice, who may be, but is not required to be, an attorney. If a member of the Dunwoody community is serving as an advisor, the advisor should generally be free of conflicts in their position in the community. An individual has the right to decline a request to serve as an advisor in Dunwoody's complaint resolution process.

Guidelines and requirements for advisors are:

- The purpose of the advisor is to support an individual during the complaint resolution process. An advisor is permitted to accompany the individual to interviews or other meetings or proceedings throughout the complaint resolution process. In selecting an advisor, each party should consider the potential advisor's availability to attend interviews and meetings, which may occur in-person. As a

general matter, the College will not delay its process to accommodate the schedules of advisors.

- Advisors may confer with their advisee but advisors may not actively participate in the complaint resolution process. The advisor may accompany the complainant or respondent to all meetings relating to the complaint resolution process. The advisor may not appear in lieu of the complainant or respondent or speak on their behalf in either in-person or written communications to the College. The advisor may not communicate directly with the investigator, decisionmaker, appeal officer, the Title IX Coordinator, or any other school official involved in the complaint resolution process and may not interrupt or otherwise delay the complaint resolution process.
- Advisors may have access to information as is described further below in Section XI.F.iii. Access to Relevant Evidence and Investigation Report.
- Individuals involved in the process other than a complainant or respondent, such as witnesses, generally will not be allowed to have an advisor present absent special circumstances as allowed by law.
- If a party selects an attorney as an advisor, the advisor's participation in the complaint process is in the role of an advisor and not as an attorney representing a party. The advisor will have access to highly confidential information and is prohibited from sharing information obtained as an advisor during the complaint process with anyone, including other individuals who may be part of an attorney-client relationship with the party.
- Parties must notify the Title IX Coordinator who they have selected as their advisor. Advisors will be required to sign an Advisor Agreement acknowledging receipt and understanding of these requirements. Failure to comply with these requirements, including violations of confidentiality, or other forms of interference with the complaint resolution process by the advisor may result in disqualification of an advisor. The College reserves the right to dismiss an advisor.
- The College will notify a party to a complaint resolution process if another party involved in the complaint resolution process has obtained an advisor and will indicate whether the other party's advisor is an attorney.

F. Requests for Reasonable Accommodations

Individuals who need a reasonable accommodation should contact the Title IX Coordinator. The College will consider requests for reasonable accommodations submitted to the Title IX Coordinator on a case-by-case basis. Accommodations the College may provide include:

- Providing reasonable accommodations as required by law to an individual with a disability who requests an accommodation necessary to participate in the complaint resolution process.
- Providing an interpreter for individuals who are limited English-language proficient.

G. Supportive Measures

After receiving a report of alleged Sex Discrimination, the Title IX Coordinator will consider whether supportive measures are appropriate to (1) restore or preserve a party's access to the College's education program or activity, including measures designed to protect the safety of the parties or the College's educational environment; or (2) provide support during the College's formal or informal resolution process. Such supportive measures will be available without fee or charge to the complainant, respondent, and others adversely impacted by the complaint resolution process, if requested and reasonably available. Such

measures will not unreasonably burden the complainant or respondent and will not be for punitive or disciplinary reasons.

The College will provide written notification to affected individuals about options for, available assistance in, and how to request changes to academic, living, transportation and working situations, or protective measures. The College will comply with a student's reasonable request for a living and/or academic situation change following an alleged incident of Sex Discrimination. The College will make such accommodations and provide such protective measures, with or without a complaint, even when an individual asks to keep a reported violation of this Policy confidential or requests that Dunwoody not investigate the matter, and regardless of whether an individual chooses to report to law enforcement.

Examples of possible supportive measures may include, without limitation:

- Establishing a no-contact order prohibiting the parties involved from communicating with each other.
- Changing an individual's dining arrangements.
- Assistance in finding alternative housing.
- Special parking arrangements.
- Changing an individual's student or employee status or job responsibilities.
- Changing an individual's work or class schedule.
- Providing academic accommodations or providing assistance with academic issues.
- Providing security escorts.
- Providing a temporary cellphone.
- Access to counseling and medical services.
- Making information about orders for protection and harassment restraining orders available to a complainant.
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.
- For students who choose to transfer to another institution: At the student's request, providing information about resources for victims of Sexual Assault at the institution to which the student is transferring.

The College determines which measures are appropriate for a particular individual on a case-by-case basis. Such measures will vary based on the particular facts and circumstances, including, but not limited to, the specific need expressed by the individual, the age of the individuals involved, the severity or pervasiveness of the allegations, any continuing effects on the individual, whether the complainant and respondent share the same dining hall, class, transportation, or job location, and whether other judicial measures have been taken to protect the individual. The Title IX Coordinator will be responsible for determining what measures will be put in place.

To request an accommodation or supportive measure, individuals should contact the Title IX Coordinator. Individuals also should contact the Title IX Coordinator to request modification or termination to an accommodation or supportive measure if circumstances change materially.

The College will maintain as confidential any supportive measures provided to an individual, to the extent that maintaining such confidentiality would not impair the ability of the College to provide

the accommodations or protective measures. The College will only disclose information necessary to provide the accommodations or protective measures in a timely manner to individuals who need to know the information in order to effectively provide the accommodations or protective measures. The Title IX Coordinator will determine what information about an individual should be disclosed and to whom this information will be disclosed based on the facts and circumstances of the specific situation and the accommodation to be provided. The College will inform the individual before sharing personally identifying information that the College believes is necessary to provide an accommodation or protective measure. The College will tell the individual which information will be shared, with whom it will be shared, and why it will be shared. If the individual is a student with a disability, the Title IX Coordinator may consult, as appropriate, with the Associate Dean of Student Affairs to determine how to comply with Section 504 of the Rehabilitation Act of 1973 in the implementation of supportive measures.

The College may, as it determines appropriate, continue, modify, or terminate supportive measures at the conclusion of the formal or informal resolution process or following other material changes in circumstance.

Additional services are available on campus and/or in the community, as described in Section 0. Resources at the end of this Policy and on Dunwoody's website.

Any concern about a violation of a supportive measure should be reported to the Title IX Coordinator promptly. Complaints of a violation of a supportive measure will be handled as discussed in Section XIV. Complaints of Related Misconduct below.

Opportunity to Seek Modifications of Supportive Measures

A complainant or respondent may seek modification or reversal of the Title IX Coordinator's decision to provide, deny, modify, or terminate supportive measures available to that party. To seek modification or reversal, the party must submit an objection, in writing, to Patricia Edman, Vice President of Human Resources, within two (2) calendar days of the Title IX Coordinator communicating the applicable decision regarding the supportive measure.

Patricia Edman, Vice President of Human Resources, will review the party's concern and determine whether the Title IX Coordinator's decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures.

H. Non-Participation and Silence

Either party may decline, at any time, to provide information or participate further in the complaint resolution process. If, at any time during the complaint resolution process, a party decides not to participate, the College may still proceed with the complaint resolution process and make a determination based upon the information available. If at any time the complainant declines to participate in the process, the College's ability to meaningfully investigate and adjudicate a complaint may be limited.

In such cases, the College may proceed with the complaint resolution process and make a determination based upon the information available.

The respondent also has the right to decline to participate in the complaint resolution process. In such cases, the College may proceed with the complaint resolution process and make a determination based upon the information available. A complainant's silence in response to a respondent's denials or defenses will not necessarily be viewed as an admission of the denials or defenses, but may leave the respondent's denials or defenses undisputed. Similarly, a respondent's silence in

response to a complainant's allegation will not necessarily be viewed as an admission of the allegation, but may leave the complainant's allegations undisputed.

Even if a party decides not to participate or chooses to stop participating at a phase of the process, the party will still be given the option to participate during additional phases of the process.

The decisionmaker will not draw an inference about the determination regarding responsibility based solely on a party's lack of participation or refusal to answer questions during the complaint resolution process. However, the decisionmaker may consider a party's or witness's refusal to answer one or more questions when determining how much weight to give the party's or witness's statements.

I. Obligation to Act in Good Faith

Reports and complaints of alleged Sex Discrimination should be made only in good faith.

An allegation that a person has violated the obligation to act in good faith will be handled through the procedures identified below in Section XIV. Complaints of Related Misconduct.

J. Obligation to be Truthful

All parties and witnesses have an obligation to be truthful in this process.

Comments or actions intended to influence other individuals to not be truthful in the complaint resolution process also violate this Policy. A determination as to whether Sex Discrimination occurred, alone, is not a sufficient basis to find that a party, witness, or others participating in the complaint resolution process violated the obligation to be truthful. An allegation that a person has violated the obligation to be truthful will be handled through the procedures identified in Section XIV. Complaints of Related Misconduct below.

K. Conflicts of Interest and Bias

If a complainant or respondent has any concern that any individual acting for Dunwoody under this Policy has a conflict of interest or bias, for or against complainants or respondents generally or for or against the individual complainant or respondent, such concern should be reported in writing to the Title IX Coordinator. Any concern regarding a conflict of interest or bias must be submitted within two (2) calendar days after receiving notice of the person's involvement in the process. The Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest or bias exist on the part of anyone investigating or adjudicating a complaint under this Policy.

If complainant or respondent has any concern that the Title IX Coordinator has a conflict of interest or bias, such concern should be reported in writing to Patricia Edman, Vice President of Human Resources. If the Title IX Coordinator has a conflict of interest with respect to a complaint, the College's Vice President of Human Resources shall appoint an alternate person to oversee adherence to the this Policy with respect to the complaint at issue. If the Title IX Coordinator and Vice President of Human Resources have a conflict of interest with respect to a complaint, the Dean of Students shall ensure that the College puts in place appropriate safeguards under the circumstances to ensure that the institution promptly and equitably responds to the complaint, including, but not limited to, appointment of alternate individuals to oversee adherence to this Policy.

The parties should be mindful that the College has a small and close-knit campus community. That a party simply knows an individual acting for the College under this Policy or has had some limited interaction with

such individual generally will not be deemed a disqualifying conflict of interest or bias in most instances. However, the College encourages the parties to bring any concern of conflict of interest or bias to the Title IX Coordinator's attention for consideration.

L. Time Frames for Resolution

The College is committed to the prompt and equitable resolution of allegations of Sex Discrimination. As is discussed in more detail above and below, this Policy provides different procedures depending on the particular circumstances of a case, including the type of Sex Discrimination that is alleged and the status of the parties involved. The time frames for each phase of the different procedures are as follows:

i. General Grievance Procedure (Allegations of Non-Harassment Sex Discrimination and Allegations of Sex-Based Harassment Where Neither Party is a Student)

Specific time frames for each phase of the complaint resolution process for complaints involving allegations of Non-Harassment Sex Discrimination and allegations of Sex-Based Harassment where neither party is a student are set forth in Section XI. Procedures for Sex Discrimination Complaint Resolution below. Each phase of the process will generally be as follows:

- Review of complaint and notice of allegations to the parties: ten (10) calendar days
- Investigation: fifty (50) calendar days
- Decisionmaker review of preliminary investigation report, meetings with parties and witnesses (if applicable), and issuance of investigation report: twenty-one (21) calendar days
- Review of relevant and not otherwise impermissible evidence and investigation report and written response: appropriate timeframe is determined on a case-by-case basis
- Determination: twenty-five (25) calendar days
- Appeal: twenty (20) calendar days

ii. Heightened Grievance Procedure (Allegations of Sex-Based Harassment Involving At Least One Student Party)

Specific time frames for each phase of the complaint resolution process for complaints involving allegations of Sex-Based Harassment involving at least one student party are set forth in Section XI. Procedures for Sex Discrimination Complaint Resolution below. Each phase of the process will generally be as follows:

- Review of complaint and notice of allegations to the parties: ten (10) calendar days
- Investigation: fifty (50) calendar days
- Review of relevant and not otherwise impermissible evidence and investigation report and written response: appropriate timeframe is determined on a case-by-case basis
- Live Hearing (if applicable) and Determination: twenty-five (25) calendar days
- Appeal: twenty (20) calendar days

In any Sex Discrimination complaint resolution process, the process may include additional days between these phases as the College transitions from one phase to another.

Circumstances may arise that require the extension of time frames based on the complexity of the allegations, the number of witnesses involved, the availability of the parties involved, the addition of new parties or new allegations to an amended notice of allegations, the availability of witnesses, the effect of a concurrent criminal investigation, unsuccessful

attempts at informal resolution, any intervening school break, the need for language assistance or accommodation of disabilities, or other unforeseen circumstance.

In cases where an alleged incident has also been reported to law enforcement, the College will not delay its complaint resolution process in order to wait for the conclusion of a criminal investigation or proceeding. The College will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation. As such, the College may need to delay temporarily an investigation under this Policy while law enforcement is in the process of gathering evidence. This process typically takes seven (7) to ten (10) calendar days. Once law enforcement has completed its gathering of evidence, the College will promptly resume and complete its investigation and resolution procedures.

To the extent additional time is needed during any of the phases of the process discussed above and further below, Dunwoody will notify all parties of the delay and the reasons for it. When a time frame for a specific phase of the process, as set forth below, is less than five (5) calendar days, Dunwoody may, in its discretion, use business days to calculate the time frame deadline. Efforts will be made to complete the process in a timely manner balancing principles of thoroughness, fundamental fairness, and promptness.

Complainants are encouraged to begin the complaint resolution process as soon as possible following an alleged Sex Discrimination incident.

There is no statute of limitation for reporting prohibited conduct to Dunwoody under this Policy; however, Dunwoody's ability to respond may diminish over time, as evidence may erode, memories may fade, and respondents may no longer be affiliated with the College. If a complaint is brought forward more than four (4) calendar years after an alleged incident, the College, in its discretion, may decline to process a complaint under these procedures, but reserves the right to take other administrative action as appropriate depending on the specific circumstances of the complaint, and will provide reasonably appropriate supportive measures, assist the complainant in identifying external reporting options, and take reasonable steps to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. If the respondent is still a member of the Dunwoody community as a student or employee, the complaint generally will be processed under these procedures.

M. Presumption of Non-Responsibility

The presumption is that the respondent is not responsible for a policy violation. The respondent is presumed not responsible until a determination regarding responsibility is made at the conclusion of the complaint resolution process. The respondent will be deemed responsible for a policy violation only if the appointed decisionmaker concludes that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent more likely than not engaged in Sex Discrimination.

N. Application of Policy

When the College receives a complaint of a violation of this Policy, the College will generally apply the prohibited conduct definitions from the policy that was in effect at the time of the alleged prohibited conduct.

For prohibited conduct alleged to have occurred from August 14, 2020 to July 31, 2024, the College will conduct a grievance procedure that complies with the regulatory requirements in place during that time period. For conduct alleged to have occurred outside of that time period, Dunwoody will generally apply the complaint resolution procedures that are in effect at the time the complaint is made.

O. Reservation of Flexibility

The procedures set forth in this Policy reflect Dunwoody's desire to respond to complaints in good faith and in compliance with legal requirements. Dunwoody recognizes that each case is unique and that circumstances may arise which require that it reserve some flexibility in responding to the particular circumstances of the matter. Dunwoody reserves the right to modify the procedures or to take other administrative action as appropriate under the circumstances.

In instances where a complaint is made against an individual who is not a student or employee of the College, in instances when the alleged conduct took place outside of the United States, and in instances when the conduct alleged, if true, would meet only the Sexual Exploitation definition and not any other Prohibited Conduct definitions in this Policy, the College reserves discretion to use a process or procedures other than those outlined below, as appropriate under the circumstances.

XI. Procedures for Sex Discrimination Complaint Resolution

When the College receives a complaint of potential Sex Discrimination, the College will promptly and equitably respond pursuant to the guidelines and procedures set forth below.

As discussed above in Section X. General Provisions for Complaint Resolution Process different procedures apply to the complaint resolution process depending on the particular circumstances of a case, including the type of Sex Discrimination that is alleged and the status of the individuals involved. Further information about the different procedures is provided below.

A. Initial Meeting Between Complainant and the Title IX Coordinator

In most cases, the first step of the complaint resolution process is a preliminary meeting between the complainant and the Title IX Coordinator. The purpose of the preliminary meeting is to allow the Title IX Coordinator to gain a basic understanding of the nature and circumstances of the report or complaint; it is not intended to be an investigation interview.

As part of the initial meeting with the complainant, the Title IX Coordinator will:

- Assess the nature and circumstances of the allegation;
- Address immediate needs of the complainant and the campus, in consultation with appropriate campus officials;
- Notify the complainant of the right to contact law enforcement and seek medical treatment, if applicable;
- Notify the complainant of the importance of preservation of evidence;
- Provide the complainant with information about on- and off-campus resources;
- Notify the complainant of available supportive measures with or without filing a complaint;
- Provide the complainant with an explanation of the procedural options, including how to file a complaint (if the complainant has not already done so) and the complaint resolution process, including the informal resolution process and, as applicable, the General Grievance Procedure or Heightened Grievance Procedure;
- Advise the complainant of the right to have an advisor of choice, as applicable under this Policy;
- Discuss the complainant's expressed preference for the manner of resolution and any barriers to proceeding; and
- Explain Dunwoody's policy prohibiting Retaliation.

The Title IX Coordinator will assess any report or complaint received to determine the applicable Dunwoody policy, if any. If the alleged conduct, if true, would not be a violation of this Policy, but would violate another Dunwoody policy, the Title IX Coordinator will generally refer the matter to another applicable disciplinary procedure. The Title IX Coordinator also has discretion to take no further action if it is determined that the alleged conduct, if true, would not violate any Dunwoody policy.

B. Complaint and Notice of the Allegations

The filing of a complaint typically begins the complaint resolution process under this Policy. Generally, the complainant files a complaint with the Title IX Coordinator. However, as is discussed further above in Section VII.D. Requests for Confidentiality or Non-Action, in some cases, the College may move forward with a complaint resolution process even if the complainant chooses not to make or move forward with a complaint. Additionally, complaints of Non-Harassment Sex Discrimination may be brought by any student, employee, or other person who was participating or attempting to participate in Dunwoody's education program or activity at the time of the alleged discrimination.

Complaints of Sex Discrimination should be made through the Title IX Coordinator.

As discussed above, when the Title IX Coordinator has received a complaint, the Title IX Coordinator will assess the complaint to determine if it states any allegations of Sex Discrimination. If the complaint alleges Sex Discrimination, the Title IX Coordinator will provide a written notice of allegations to the parties who are known. The written notice will include:

- Notice of the College's complaint resolution process, including the informal resolution process;
- Notice of the allegations, including the identities of the parties involved in the incident(s), if known, the conduct allegedly constituting Sex Discrimination, and the date and location of the alleged incident, if known;
- A statement that Retaliation is prohibited;
- A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence;
- A statement that the respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the complaint resolution process;
- A statement that prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- In matters where each party is permitted to have an advisor as described in Section #. Right to an Advisor above, a statement that parties may have an advisor of choice and that advisor may be, but is not required to be, an attorney;
- Notice of policy provisions that prohibit knowingly making false statements or knowingly submitting false information during the complaint resolution process, including in Section X.J. Obligation to Be Truthful above.

If the College decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the notice will be updated to provide notice of the additional allegations to the parties whose identities are known.

In addition, upon receiving a complaint, the Title IX Coordinator will make a preliminary determination of the procedures that will apply to the complaint resolution process.

When the Title IX Coordinator has received a complaint of Sex Discrimination, the Title IX Coordinator will also meet with the respondent and will:

- Notify the respondent of the complaint and alleged policy violations;
- Provide the respondent an explanation of the complaint resolution process, including the informal resolution process and, as applicable, the General Grievance Procedures or Heightened Grievance Procedures;
- Notify the respondent of the importance of preservation of evidence;
- Notify the respondent of any supportive measures that have been put in place that directly relate to the respondent (i.e., no-contact directive);
- Notify the respondent of available supportive measures;
- Provide the respondent with information about on- and off-campus resources;
- Advise the respondent of the right to have an advisor of choice, as applicable under this Policy; and
- Explain Dunwoody's policy prohibiting Retaliation.

This stage of initial review of the complaint by the Title IX Coordinator and initial notice of the allegations to the parties generally will take no more than ten (10) calendar days. In some cases, more time may be required. If Dunwoody has reasonable concerns for the safety of any person as a result of providing the notice of allegations to the parties, Dunwoody may reasonably delay providing written notice of the allegations in order to address the safety concern appropriately.

C. Investigation of Other Dunwoody Policy Violations

If a complaint of Sex Discrimination also implicates alleged violations of other Dunwoody policies, the Title IX Coordinator, in coordination with other appropriate school officials, will evaluate the allegations to determine whether the investigation of the alleged Sex Discrimination and the other alleged policy violations may be appropriately investigated together without unduly delaying the resolution of the Sex Discrimination complaint. Where the Title IX Coordinator, in coordination with other appropriate school officials, determines that a single investigation is appropriate, the determination of responsibility for each of the alleged policy violation will be evaluated under the applicable policy. The adjudication may be conducted in accordance with this Policy or the adjudication of the other policy violation may be conducted separately from the adjudication of the alleged Sex Discrimination.

Note that individuals who make a good faith report of Sex Discrimination, and individuals who participate in a Sex Discrimination complaint resolution process, will not be disciplined by Dunwoody for certain violations of Dunwoody policies in which they might have engaged in connection with the reported incident, consistent with Section IX.D. Amnesty above.

D. Consolidation of Complaints

The College reserves the right to consolidate complaints into one complaint resolution process as to allegations of Sex Discrimination against more than one respondent, by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Sex Discrimination arise out of the same facts or circumstances. If one of the complaints to be consolidated

is a complaint implicating the Heightened Grievance Procedure, the Heightened Grievance Procedure will apply to the consolidated complaint resolution process. When more than one complainant or more than one respondent is involved in a matter, references in this Policy to a party, complainant, or respondent include the plural, as applicable.

E. Informal Resolution Process

At any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process. In cases involving allegations of Sexual Assault or more serious Sex Discrimination, informal resolution may not be appropriate.

If the complainant, the respondent, and the College all agree to pursue an informal resolution, the Title IX Coordinator will attempt to facilitate a resolution that is agreeable to all parties. The Title IX Coordinator will not be an advocate for either the complainant or the respondent in the informal resolution process, but, rather, will aid in the resolution of the complaint in a non-adversarial manner. Under the informal process, the College will only conduct such fact-gathering as is useful to resolve the complaint and as is necessary to protect the interests of the parties, the College, and the College community.

The College will not compel a complainant or respondent to engage in mediation, to directly confront the other party, or to participate in any particular form of informal resolution. Participation in informal resolution is voluntary, and the complainant and respondent have the option to discontinue the informal process and request a formal resolution process at any time prior to reaching an agreed upon resolution. In addition, the College also always has the discretion to discontinue the informal process and move forward with a formal resolution process. If at any point during the informal resolution process prior to reaching an agreed upon resolution, the complainant or respondent or the College wishes to cease the informal resolution process and to proceed through the formal resolution process, the informal resolution process will stop and the formal resolution process outlined below will be invoked.

Prior to engaging in an informal resolution process, the College will provide the parties with a written notice disclosing: the allegations; the requirements of the informal resolution process; that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the formal resolution process; that the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming a formal resolution process arising from the same allegations; 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 what information the College will maintain and whether and how the College could disclose such information for use in the complaint resolution process if those procedures are initiated or resumed. In addition, the College will obtain the parties' voluntary, written consent to the informal resolution process.

Any informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the College to stop, remedy, and prevent policy violations.

Informal resolution may involve the imposition of individual and community remedies designed to maximize the complainant's access to the educational and extracurricular activities of the College. Examples of potential remedies are provided above in Section X.G. Supportive Measures. The proposed resolution may also include other institutional responses, requirements, or sanctions imposed on the respondent, including but not limited to restrictions on contact and restrictions on

the respondent's participation in one or more of Dunwoody's programs or activities or attendance at specific events.

The informal resolution process ends when a resolution has been reached or when the complainant, the respondent, or the College terminates the process. A successful informal resolution results in a binding agreement between the parties. If the parties to the complaint and the College agree in writing to the terms and conditions of a proposed resolution within five (5) calendar days of the Title IX Coordinator presenting the proposed resolution to the parties, the case will be resolved without further process under this procedure. If all parties to the complaint and the College do not agree in writing to the terms and conditions of the proposed resolution within five (5) calendar days of the Title IX Coordinator presenting the proposed resolution to the parties, the complaint will generally be referred to the formal resolution process.

Appeals are not allowed in cases where the parties have agreed to an informal resolution of the matter.

The informal resolution process generally will take no more than fifteen (15) calendar days. In some cases, more time may be required.

If the College facilitates an informal resolution process, the Title IX Coordinator will also take other appropriate prompt and effective steps to ensure that Sex Discrimination does not continue or recur within the College's education program or activity.

F. Formal Resolution Process

If the complaint is not processed or resolved through the informal resolution process discussed above, the complaint will be processed according to the formal resolution process outlined below.

i. Investigation

The Title IX Coordinator will designate one or more investigators to conduct an adequate, reliable, and impartial investigation. When more than one investigator is appointed, references in this Policy to an investigator include the plural, as applicable.

Dunwoody will ensure that the investigator has received the appropriate training, is impartial, and is free of any conflict of interest or bias for or against complainants and respondents generally and for or against the complainant and respondent in the case. Dunwoody reserves the right to appoint any trained investigator who is free of conflict of interest or bias, including a third-party investigator. The parties will receive written notice of the investigator appointed. If any party has a concern that the investigator has a conflict of interest or bias, the party should report the concern in writing as indicated in Section X.K. Conflicts of Interest and Bias above.

The investigator will conduct the investigation in a manner appropriate to the circumstances of the case, which will typically include audio-recorded interviews with the complainant, the respondent, and any witnesses. The complainant and respondent will have an equal opportunity to advise the investigator of any witnesses they believe should be interviewed, other inculpatory and exculpatory evidence they believe should be reviewed by the investigator, and questions they believe the investigator should ask the other party or witnesses, including questions challenging credibility.

In cases under the Heightened Grievance Procedure (allegations of Sex-Based Harassment involving at least one student party), any witness that a party wishes to call at a hearing must be suggested as part of the investigation process, prior to the issuing of the investigation report, unless extraordinary circumstances exist as determined by the decisionmaker, in consultation with the Title IX Coordinator.

The investigator, in consultation with the Title IX Coordinator, has discretion to assess the relevancy of any proposed witnesses, evidence, and questions, and to determine which interviews to conduct, including the discretion to conduct interviews of individuals not identified by the parties. The investigator may also decline to ask a question or questions suggested by the parties. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available.

The parties will be informed of a close of evidence date. The parties must submit any and all information and evidence they would like considered as part of the investigation by the close of evidence date. After the close of evidence date, the parties will not be permitted to submit new or additional evidence that existed prior to the close of evidence date, unless the investigator, in consultation with the Title IX Coordinator, determine(s) otherwise. In cases under the Heightened Grievance Procedure (allegations of Sex-Based Harassment involving at least one student party), all evidence a party wishes to offer or refer to at the hearing must have been provided as part of the investigation process, prior to the close of evidence, unless extraordinary circumstances exist as determined by the decisionmaker, in consultation with the Title IX Coordinator.

General Grievance Procedure: For matters under the General Grievance Procedure, the investigator generally will compile a preliminary investigation report for the decisionmaker's review in determining whether credibility is in dispute and relevant to evaluating one or more allegations in the complaint. The preliminary investigation report will fairly summarize the relevant and not otherwise impermissible evidence and, at the investigator's discretion, may include, as applicable: the complaint; the notice of allegations; any other relevant and not otherwise impermissible evidence obtained during the investigation; and the investigator's report of the investigation.

Heightened Grievance Procedure: For matters under the Heightened Grievance Procedure, the investigator generally will compile an investigation report that fairly summarizes the relevant and not otherwise impermissible and, at the investigator's discretion, may include, as applicable: the complaint; the notice of allegations; any other relevant and not otherwise impermissible evidence obtained during the investigation; and the investigator's report of the investigation.

The preliminary investigation report, if applicable, and investigation report will be forwarded to the Title IX Coordinator. The Title IX Coordinator will review and has the discretion to ask the investigator for clarification, additional investigation, and/or to have information added, removed, or redacted from the preliminary investigation report and/or investigation report.

Dunwoody will strive to complete the investigation within (i) fifty (50) calendar days from the date the investigator is appointed or (ii) if, after the date the investigator is appointed, the parties receive an amended notice of allegations that includes new allegations or new parties, fifty (50) calendar days from the date of the amended notice of allegations.

This time frame may be extended depending on the circumstances of each case.

ii. Decisionmaker Review and Individual Meetings (General Grievance Procedure Only)

In cases under the General Grievance Procedure (allegations of Non-Harassment Sex Discrimination and allegations of Sex-Based Harassment where neither party is a student), at the conclusion of the investigation, the Title IX Coordinator will designate a decisionmaker

to complete a prompt and equitable adjudication. Typically, a single decisionmaker will be appointed to each case but the College reserves the right to appoint additional decisionmakers. References in this Policy to a decisionmaker include the plural, as applicable. Dunwoody reserves the right to appoint any trained decisionmaker who is free from conflict of interest or bias, including third-party decisionmakers. If any party has a concern that the decisionmaker has a conflict of interest or bias, the party should report the concern in writing as indicated in Section X.K. Conflicts of Interest and Bias above.

The decisionmaker will review the preliminary investigation report to determine whether credibility is in dispute and relevant to evaluating one or more allegations in the complaint.

If the decisionmaker determines credibility is not in dispute or is not relevant to evaluating any allegations in the complaint, the matter will proceed to the next phase as described below in Section XI.F.iii. Access to Relevant Evidence and Investigation Report.

If the decisionmaker determines credibility is in dispute and relevant to evaluating one or more allegations in the complaint, the decisionmaker will conduct individual meetings with each party and witness whose credibility is relevant and will ask questions to adequately assess each individual's credibility.

In cases where the decisionmaker conducts individual meetings, the preliminary investigation report will be updated to reflect the information obtained during those meetings. The Title IX Coordinator will review the investigation report and has the discretion to ask the investigator for clarification, additional investigation, and/or to have information added, removed, or redacted from the investigation report.

Dunwoody generally will strive to complete the decisionmaker review of the preliminary investigation report, questioning of parties and witnesses (if applicable), and issuing the investigation report within twenty-one (21) calendar days from the date the decisionmaker receives the preliminary investigation report. This time frame may be extended depending on the circumstances of each case.

iii. Access to Relevant Evidence and Investigation Report

The parties will have an equal opportunity to access: (1) the evidence that is relevant to the allegations of Sex Discrimination and not otherwise impermissible and (2) the investigation report. In cases involving allegations of (1) Sex-Based Harassment with at least one student party (the Heightened Grievance Procedure) or (2) Sexual Assault, Dating Violence, Domestic Violence, and Stalking where neither party is a student, each party's advisor will also receive access to the evidence that is relevant to the allegations and not otherwise impermissible and to the investigation report. The Title IX Coordinator will provide access to such evidence and the investigation report to each party and advisor, if applicable, in electronic format. The parties will have a period to review the evidence and investigation report and prepare a written response to the evidence (the "Written Response Statement"). The Title IX Coordinator will determine a reasonable time period for the review and response period and a reasonable word limit for the Written Response Statement on a case-by-case basis considering the complexity of the allegations and volume of the evidence and investigation report, among other relevant factors. The Title IX Coordinator will communicate the deadline and word limit for the Written Response Statement when the parties receive access to the evidence and the investigation report.

The Written Response Statement may be used as an opportunity to clarify information contained in the relevant and not otherwise impermissible evidence and investigation report, to identify evidence

previously provided to the investigator that was not included in the relevant and not otherwise impermissible evidence or investigation report which the party believes is relevant, and to respond to evidence submitted by the other party or witnesses. While the parties in a Heightened Grievance Procedure and employees in a case involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking may be assisted by their advisors in preparation of the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Response Statement.

The parties and parties' advisors (if applicable) may use the evidence and investigation report reviewed at this step only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the evidence or investigation report with any other individual. Prior to being provided the relevant and not otherwise impermissible evidence and investigation report, the parties and parties' advisors (if applicable) will be required to sign a non-disclosure agreement agreeing to such terms. The College will take steps to address any unauthorized disclosure of information or evidence obtained solely through the complaint resolution process which may include but is not limited to disciplinary action. See Section XIV. Complaints of Related Misconduct below.

The Title IX Coordinator and/or the investigator will review the parties' Written Response Statements. Based on the statements, the Title IX Coordinator has the discretion to ask the investigator for clarification, additional investigation, and/or to have information removed or redacted from the investigation report. In addition, the Title IX Coordinator may remove or redact any portions of the parties' Written Response Statements that exceed the word limit of the statements or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's sexual interest or prior sexual conduct if an exception does not apply).

iv. Live Hearing (Heightened Grievance Procedure Only)

In matters under the Heightened Grievance Procedure (allegations of Sex-Based Harassment involving at least one student party), the Title IX Coordinator will generally designate a panel of three individuals to serve as the decisionmaker. References in this Policy to a decisionmaker include the plural, as applicable. The College reserves the right to appoint any trained individual who is without conflict or bias as decisionmaker, including third-party decisionmakers. If any party has a concern that a decisionmaker has a conflict of interest or bias, the party should report the concern in writing as indicated in Section X.K. Conflicts of Interest and Bias above.

The Title IX Coordinator will compile the adjudication file including the investigation report and attachments and other information at the Title IX Coordinator's discretion.

The decisionmaker will review the adjudication file to determine whether credibility is in dispute and relevant to evaluating one or more allegations in the complaint.

If the decisionmaker determines credibility is not in dispute or is not relevant to evaluating any allegations in the complaint, the matter will proceed to the determination phase described below in Section XI.F.v. Determination.

If the decisionmaker determines credibility is in dispute and relevant to evaluating one or more allegations in the complaint, the decisionmaker will conduct a live hearing.

At the live hearing, each party may propose questions the party wants asked of any party or witness. The decisionmaker will determine whether each proposed question is relevant and not otherwise impermissible.

If the question is relevant and not otherwise impermissible, the decisionmaker will ask the question of the party or witness, unless the question is unclear or harassing of the party or witness being questioned.

The decisionmaker will explain any decision to exclude a question as not relevant or otherwise impermissible. If the decisionmaker determines a question is unclear or harassing, the decisionmaker will give the party an opportunity to clarify or revise the question. If the party sufficiently clarifies or revises a question so that the question is relevant and not otherwise impermissible and not unclear or harassing, the decisionmaker will ask the question.

The hearing will generally be held by videoconference with the parties, witnesses, and decisionmaker located in separate locations and technology enabling the decisionmaker and parties to simultaneously see and hear the party or the witness who is speaking. The College reserves the right to determine that a hearing will instead be conducted with all participants, including the parties, witnesses, and the decisionmaker physically present in the same location. In the event that the live hearing is held with the participants in the same location, at the request of either party, the College will provide for the parties to be located in separate rooms with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness who is speaking.

The College will create an audio or audiovisual recording, or transcript, of any live hearing and, upon request, will make it available to the parties for inspection and review.

Additional procedures for the live hearing will be provided to the parties in advance of a live hearing. Please contact the Title IX Coordinator for more information.

v. Determination

The decisionmaker will evaluate the relevant and not otherwise impermissible evidence for its persuasiveness. In matters under the General Grievance Procedure, this will include the investigation report and attachments, including information gathered at the decisionmaker meetings (if any), and other information at the Title IX Coordinator's discretion provided to the decisionmaker. In matters under the Heightened Grievance Procedure, this will include the investigation report and attachments, the information gathered during the live hearing (if any), and other information at the Title IX Coordinator's discretion provided to the decisionmaker. The decisionmaker may, in their discretion, request additional information from the investigator or another appropriate individual, request additional investigation by the investigator, schedule additional decisionmaker meetings with one or more parties or witnesses for the purpose of assessing credibility (if applicable), or schedule an additional live hearing for the purpose of assessing credibility (if applicable). If additional information is shared with or gathered by the decisionmaker, the parties will be notified and provided access to that information.

The decisionmaker will apply the preponderance of the evidence standard to determine whether it is more likely than not that the respondent engaged in a violation of the policy. The presumption is that the respondent is not responsible for a policy violation. The respondent will be deemed responsible for a policy violation only if the decisionmaker

concludes that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent engaged in Sex Discrimination.

The decisionmaker will not draw an inference about the determination regarding responsibility based solely on a party's lack of participation or refusal to answer questions in the complaint resolution process. However, the decisionmaker may consider a party's or witness's refusal to answer one or more questions when determining how much weight to give the party's or witness's statements.

Lie detector test results will not be considered credible by the decisionmaker in the decision-making process. Character evidence and allegations of prior bad acts by a party without a finding of responsibility by Dunwoody or a court of law will generally be given little weight, if any, by the decisionmaker in the decision-making process.

If the decisionmaker determines that the respondent is responsible for a policy violation, the decisionmaker typically will then determine what sanctions and remedies are warranted. The Title IX Coordinator has discretion to appoint a different sanctioning officer as they determine appropriate. Dunwoody reserves the right to appoint any trained sanctioning officer who is free from conflict of interest or bias, including third-party sanctioning officers. As part of that determination of sanctions/remedies, the Title IX Coordinator may, in their discretion, provide the decisionmaker/sanctioning officer with information regarding previous violations of this Policy or other Dunwoody policies by the respondent, if any. If such information is shared with the decisionmaker/sanctioning officer, the parties will be notified and provided access to that information.

When a respondent is found not responsible for a Policy violation, but nevertheless is found to have engaged in inappropriate conduct—for example, inappropriate remarks that do not rise to the level of a violation of this Policy—Dunwoody may, in its discretion, require the respondent to receive appropriate education and/or training. Dunwoody may also recommend counseling or other support services for the respondent.

vi. Sanctions and Remedies

The decisionmaker or sanctioning officer will impose sanctions and/or remedies as necessary to end the misconduct, prevent its recurrence, and address its effects. The College reserves the right to take whatever measures it deems necessary in response to an allegation of Sex Discrimination in order to protect the rights and personal safety of the complainant, students, faculty, staff, and other Dunwoody community members and to ensure that Sex Discrimination does not continue or recur within the education program or activity. These measures may be both remedial (designed to address a complainant's safety and well-being and continued access to educational or workplace opportunities) and/or sanctions (involving action against a respondent). Not all forms of Sex Discrimination will be deemed to be equally serious offenses, and the College reserves the right to impose different sanctions depending on the severity of the offense. The College also reserves the right to impose different sanctions if the respondent has previously been found responsible for a violation of Dunwoody policy.

Individuals who are found responsible under this Policy may face sanctions as appropriate for students, employees, visitors, or others, including, but not limited to the following sanctions. Each of these sanctions and other sanctions may be imposed alone or in combination for a respondent found responsible for Sex Discrimination:

- verbal warning
- written warning
- probation
- suspension, with reinstatement requirements that could include behavioral contracts, required attendance at educational programs, required assessment or counseling, and other potential conditions on reinstatement
- expulsion;
- withholding of diploma or degree for a defined period of time or until the completion of assigned sanctions;
- temporary or permanent revocation of degree;
- revocation of admission to Dunwoody;
- temporary or permanent restricted access to areas of campus, and campus events, activities, organizations or courses;
- temporary or permanent removal from class or living or housing assignment;
- conditions upon presence on campus or at College events;
- no trespass or no-contact orders;
- required attendance at an educational training or meetings;
- writing a reflection paper;
- behavioral contracts;
- required assessment or counseling;
- community service hours;
- loss of salary or benefit such as travel funding
- suspension of promotion and salary increments, with reinstatement requirements that could include behavioral contracts, required attendance at educational programs, required assessment or counseling, and other potential conditions on reinstatement;
- removal or non-renewal of scholarships or honors;
- transfer or change of job or responsibilities;
- demotion;
- termination of employment;
- payment of restitution or costs incurred.

When an investigation reveals that a campus organization (such as a student club, athletic team, campus academic department, or staff/faculty committee) has committed or promoted behavior involving Sex Discrimination, the organization may be sanctioned. Sanctions to the organization may include, but are not limited to, loss of Dunwoody privileges (including, but not limited to, prohibition on the organization's participation in certain activities and the use of Dunwoody facilities), educational requirements for organization members, required additional oversight of organization activities, temporary loss of funding and/or loss of recognition by Dunwoody, and permanent loss of organization recognition, in addition to individual members of the organization who are determined responsible for a Policy violation being subject to the sanctions listed above. All campus organizations/departments are responsible for the actions of its members when they are operating on behalf of the organization/department.

Any concern about a violation of an imposed sanction should be reported to the Title IX Coordinator.

Remedies for the complainant are designed to restore or preserve equal access to Dunwoody's education program or activity. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. Remedies, accommodations, and protective measures for

the complainant include implementing or extending all or some of the following actions, without limitation:

- A mutual or one-sided no-contact order.
- Prohibiting an individual involved from being on Dunwoody property.
- Prohibiting an individual involved from participating in Dunwoody-sponsored events.
- Changing an individual's living or housing, or dining arrangements.
- Special parking arrangements.
- Changing an individual's student or employee status or job responsibilities.
- Changing an individual's work or class schedule.
- Providing academic accommodations or providing assistance with academic issues.
- Providing security escorts.
- Providing a temporary cell phone.
- Access to counseling.
- Making information about orders for protection and harassment restraining orders available to a complainant.
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.

Remedies designed to address the Dunwoody community include but are not limited to increased monitoring, supervision, and/or security at locations or in connection with activities where the prohibited conduct occurred or is likely to reoccur and targeted or broad-based educational programming or training for relevant persons or groups.

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

vii. Notice of Determination

The College will simultaneously send a written notice of the determination of the complaint to complainant and respondent.

For complaints under the General Grievance Procedure (allegations of Non-Harassment Sex Discrimination and allegations of Sex-Based Harassment where neither party is a student): The written notice will include the determination as to whether Sex Discrimination occurred; the rationale for such determination; any disciplinary sanctions (if applicable); and the College's procedures for the complainant and respondent to appeal.

For complaints under the Heightened Grievance Procedure (allegations of Sex-Based Harassment involving at least one student party): The written notice will include a description of the alleged Sex-Based Harassment; information about the policies and procedures that Dunwoody used to evaluate the allegations; the decisionmaker's evaluation of the relevant and not otherwise impermissible evidence; the determination of whether Sex-Based Harassment occurred; the rationale for such determination; any disciplinary sanctions (if applicable); whether remedies will be provided to the complainant or any other students; and the College's procedures for the complainant and respondent to appeal.

In cases under the General Grievance Procedure, the written notice of determination will generally be received within twenty-five (25) calendar days from the date the decisionmaker received the adjudication file. In cases under the Heightened Grievance Procedure, the written notice of determination will generally be received within twenty-five (25) calendar days from the date the live hearing concluded or the date the

decisionmaker received the adjudication file in the event that no live hearing is conducted. In some cases, more time may be required. The determination of the decisionmaker may be appealed as provided below.

In the event that no appeal is filed within the time periods prescribed below, the decision will be final and the sanctions, if any, will be effective.

viii. Dismissal of Complaint Prior to Adjudication

The College may dismiss a complaint of Sex Discrimination for any of the following reasons:

- 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 complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the College determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute Sex Discrimination; or
- The College determines the conduct alleged in the complaint, even if proven, would not constitute Sex Discrimination. Prior to dismissing on this ground, the College will make reasonable efforts to clarify the allegations with the complainant.

If dismissing an allegation of Sex-Based Harassment involving at least one student party based on the complainant's withdrawal of the complaint or allegations, the College will obtain the complainant's withdrawal in writing.

If the College dismisses a complaint, the College will promptly send written notice of the dismissal and the reasons for the dismissal to the complainant. If the dismissal occurs after the respondent has been notified of the allegations, then the College will also send written notice of the dismissal and the reasons for the dismissal to the respondent simultaneously.

The complainant and, if applicable, respondent, will also be notified of the opportunity to appeal the dismissal, as set forth in Section XI.F.ix. Appeal below.

In the event that the College dismisses a complaint, the College will offer supportive measures to the complainant and to the respondent, if the respondent has been notified of the allegations. Additionally, the Title IX Coordinator will take other appropriate prompt and effective steps to ensure that Sex Discrimination does not continue or recur within the College's education program or activity.

ix. Appeal

The parties may appeal in the following circumstances:

- Either the complainant or the respondent, if the respondent has received notice of the allegations, may appeal Dunwoody's decision to dismiss a complaint of Sex Discrimination.
- Under the General Grievance Procedure and Heightened Grievance Procedure, either the complainant or the respondent may appeal the decisionmaker's decision regarding responsibility.

Grounds for appeals are as follows:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination of responsibility or dismissal was made; and

- 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.

a) Submitting an Appeal

A party may request an appeal by submitting a written appeal statement, not to exceed 2,000 words, challenging the outcome of the complaint resolution process. The written appeal statement must explain which of the grounds above the party is invoking for the appeal and how those grounds are met and must be received by the Title IX Coordinator within two (2) calendar days following the date that the notice of determination or dismissal was sent to the complainant and respondent. While the parties may be assisted by their advisors, if any, in preparation of the appeal, the appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

The Title IX Coordinator will review the appeal statement to determine whether the appeal states a permissible ground for appeal (as set forth above), such that the appeal will be considered. The Title IX Coordinator may remove or redact any portions of the appeal statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's sexual interest or prior sexual conduct if an exception does not apply).

If the Title IX Coordinator determines that the appeal states a permissible ground for appeal, the non-appealing party will be notified of the appeal and provided an opportunity to review the appeal statement and submit a written response in support of the outcome. In the case of an appeal of a dismissal made prior to notifying the respondent of the allegations, the respondent will also receive the notice of allegations. Any written response from the non-appealing party in support of the outcome must not exceed 2,000 words and must be submitted to the Title IX Coordinator within two (2) calendar days of receiving notice of the appeal. While the party may be assisted by their advisors, if any, in preparation of the responsive appeal statement, the responsive appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf.

The Title IX Coordinator will review any responsive appeal statement and may remove or redact any portions of the statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's sexual interest or prior sexual conduct if an exception does not apply).

The Title IX Coordinator generally will compile an appeal file, which may consist of any information, documents, or other evidence that is provided to the appeal officer. Such information may include, the written appeal statement, the responsive appeal statement, the notice of determination, the adjudication file in its entirety or in part, any previously undiscovered evidence (if discovery of new evidence is a ground for the appeal), and any other information determined to be necessary for the appeal officer's decision, at the Title IX Coordinator's discretion.

The appeal file will be made available for review by the complainant and respondent. The Title IX Coordinator will provide a two (2) calendar day

period for the complainant and respondent to have access to review the appeal file.

The parties and parties' advisors, if any, may use the appeal file reviewed at this step and any additional information reviewed during the consideration of the appeal (see below), only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the appeal file or additional information with any other individual. Prior to being provided access to the appeal file or any additional information, the parties and parties' advisors, if any, will be required to sign a non-disclosure agreement agreeing to such terms. Dunwoody will take steps to address any unauthorized disclosure of information or evidence obtained solely through the complaint resolution process which may include but is not limited to disciplinary action. See Section XIV. Complaints of Related Misconduct below.

Appeals generally will be considered by one appointed appeal officer designated by the Title IX Coordinator. Dunwoody reserves the right to appoint any trained appeal officer who is free of conflict of interest or bias, including a third-party appeal officer. The parties will receive written notice of the appeal officer appointed. If any party has a concern that an appeal officer has a conflict of interest, the party should report the concern in writing as indicated in Section X.K Conflicts of Interest and Bias above. The appeal officer will not be the Title IX Coordinator nor one of the decisionmakers or the investigator on the same matter.

b) Consideration of Appeal

The appeal officer will not rehear the case, but will review the appeal file and consider whether it is more likely than not that the above-listed grounds for appeal have been satisfied. The appeal officer may, in their discretion, seek additional information from the Title IX Coordinator, investigator, or another appropriate individual. If the appeal officer receives any additional information, the parties shall have an opportunity to review the additional information.

The appeal officer has the authority to affirm the findings or remand the findings for reconsideration. If the appeal officer determines there is sufficient evidence to conclude that it is more likely than not that one of the above grounds for appeal is satisfied, the matter will generally be remanded for further investigation and/or deliberations by the decisionmaker, and/or an additional live hearing, as determined by the appeal officer.

If remanded, the appeal officer, in consultation with the Title IX Coordinator, will determine whether the matter should be remanded to the original decisionmaker or whether a new decisionmaker should review the matter. The appeal officer may not change the decisionmaker's determination of whether the respondent was responsible or not responsible for a Policy violation. Only the decisionmaker reviewing the matter on remand from an appeal may change the determination of the original decisionmaker of whether the respondent was responsible or not responsible for a Policy violation. If the reasons for remand relate to the investigation or warrant additional investigation, the appeal officer in consultation with the Title IX Coordinator, will determine whether the matter should be remanded to the previous investigator or whether a new investigator should be appointed.

Upon remand, the investigator and decisionmaker shall utilize the same process as required for all complaint processes under this Policy. If the matter is remanded, the determination made on remand will be appealable under the procedures discussed in this Section.

If the appeal officer determines there is insufficient evidence to conclude that it is more likely than not that one or more grounds for appeal have been satisfied, the appeal officer will dismiss the appeal. This dismissal decision is final and is not appealable. If the appeal officer dismisses the appeal, the sanctions, if any, will be effective on the date the appeal officer's decision is provided to the parties.

The appeal officer will simultaneously issue a written decision to the parties describing the result of the appeal and the appeal officer's rationale for the result. Dunwoody will strive to complete the appeal within twenty (20) calendar days following the appeal officer's receipt of the appeal file from the Title IX Coordinator; however, in some cases, more time may be required.

Appeals arising out of alleged violations of this Policy must be made under this appeal process and are not eligible for consideration under faculty, staff, or student grievance policies or processes.

XII. Recordkeeping Related to Sex Discrimination

The Title IX Coordinator is responsible for maintaining records relating to Sex Discrimination reports and complaints. This includes records documenting the informal resolution process, the General Grievance Procedure, the Heightened Grievance Procedure, and the resulting outcome. Additionally, for each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute Sex Discrimination, the Title IX Coordinator will maintain records documenting the actions Dunwoody took to meet its obligations under Title IX. The Title IX Coordinator will also maintain all materials used to provide training under this Policy.

When a complaint is pending, each official having a role in the complaint resolution process is responsible for handling records appropriate to their role. When the process is complete, the official records relating to the complaint will be provided to the Title IX Coordinator, who will maintain such records in accordance with Dunwoody's record retention requirements and applicable law.

XIII. Training

All Dunwoody employees will receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX and annually thereafter. The training does not rely on sex stereotypes and training regarding the complaint resolution process promotes impartial investigations and adjudications. Dunwoody will make the training materials available upon request.

A. All Employee Training

All employees will receive training on (1) Dunwoody's obligation to address Sex Discrimination in its education program or activity; (2) the scope of conduct that constitutes Sex Discrimination under Title IX, including the definition of Sex-Based Harassment; and (3) all applicable notification and information requirements, including reporting obligations and/or confidential employee obligations discussed above in Section IX.A.i. Employee Reporting Obligations, Section IX.A.iii. Mandatory Reporting Concerning Minors and Vulnerable Adults, and information obligations related to pregnant students.

B. Training for Individuals with Heightened Responsibilities

Investigators, decisionmakers, persons with authority to modify or terminate supportive measures, and any other person responsible

for implementing the grievance procedure, will receive training on the following topics, to the extent each topic is related to the person's responsibilities: Dunwoody's obligations under 34 CFR § 106.44; Dunwoody's General Grievance Procedure; Dunwoody's Heightened Grievance Procedure; how to serve impartially, including by avoiding prejudgment of the facts at interest, conflicts of interest, and bias; 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; issues related to Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking; and how to conduct an investigation and decision-making process that protects the safety of all and promotes accountability.

Facilitators of informal resolution processes will receive training on the rules and practices associated with Dunwoody's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.

The Title IX Coordinator and any designee of the Title IX Coordinator will receive training on all topics discussed in this Section and their responsibilities under Title IX, Dunwoody's recordkeeping system, and any other training necessary to coordinate Dunwoody's compliance with Title IX.

XIV. Complaints of Related Misconduct

Any complaint relating to violations of supportive measures, violation of the obligation to act in good faith, violation of the obligation to be truthful, violation of the prohibition on widespread social media or other media disclosures, violations of sanctions, violations of an informal resolution agreement, or violations of a non-disclosure agreement should be reported promptly to the Title IX Coordinator. Dunwoody will provide a prompt and equitable process for the resolution of such complaints.

Dunwoody will take appropriate action against any individual who violates supportive measures, the obligation to act in good faith, the obligation to be truthful, sanctions, an informal resolution agreement, or a non-disclosure agreement.

When Dunwoody receives a complaint of violations of supportive measures, the obligation to act in good faith, the obligation to be truthful, violation of the prohibition on widespread social media or other media disclosures, sanctions, an informal resolution agreement, or a non-disclosure agreement, the Title IX Coordinator may exercise discretion to determine an appropriate responsive process based on the facts and circumstances. At the Title IX Coordinator's discretion, options for resolution include, but are not limited to, informal discussions and resolution facilitated by the Title IX Coordinator, investigation and/or determination by the Title IX Coordinator, or assignment of a designated individual to investigate the complaint and/or determine an appropriate response. This process will be separate and distinct from the complaint resolution process outlined above for addressing Sex Discrimination complaints. The Title IX Coordinator will document the complaint received, the process used, and the outcome. Dunwoody will notify the parties of the outcome of the complaint. In instances where the outcome of the process results in a suspension longer than one semester, expulsion, or termination of employment, the impacted individual may appeal the decision in accordance with the appeal rights as set forth in this Policy.

XV. Alternative Procedures

Nothing in this Policy is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but

are not limited to, filing a complaint with the United States Department of Education's Office for Civil Rights (OCR). The OCR office for institutions located in Minnesota is:

U.S. Department of Education

Office for Civil Rights
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago IL 60661-4544
Tel: (312) 730-1560
TDD: (877) 521-2172
Email: OCR.Chicago@ed.gov

XVI. Resources

RAINN (Rape, Assault, and Incest National Network)

<https://www.rainn.org/>
(800) 656-HOPE
24-hour hotline; free and confidential

Sexual Offense Services
St. Paul, Minnesota
<http://www.co.ramsey.mn.us/ph/hs/sos.htm>
(651) 643-3006
24-hour hotline; free and confidential

Sexual Violence Center
Minneapolis, Minnesota
www.sexualviolencecenter.org
(612) 871-5111
24-hour hotline; free and confidential

*Domestic Abuse Service Center**
<http://www.mncourts.gov/district/4/?page=369>
Hennepin County Government Center
Rm. #A-0650 (lower level)
300 S. 6th Street
Minneapolis, MN 55487
(612)348-5073

* The Domestic Abuse Service Center is available to help victims of domestic abuse (abuse by a family or household member) obtain orders for protection. In addition, harassment restraining orders are available for other types of harassment and assault. <http://www.mncourts.gov/district/4/?page=763> Victims do not have to report conduct to police to obtain a harassment restraining order. Dunwoody requires all students and employees whose conduct is subject to an order for protection or harassment restraining order to comply with such orders.

Minnesota Office of Justice, Crime Victims Programs
<https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/default.aspx>
(Monday - Friday, 8:00 AM – 4:30 PM)
651-201-7300 or 888-622-8799, ext. 1 for financial help
800-247-0390, ext. 3 for information and referral
651-205-4827 TTY

Resource list for victims: <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/resource-list-victims.aspx>

Hennepin County Victim Services
Hennepin County Attorney's Office
<http://www.hennepinattorney.org/get-help/crime/victim-services>

(612) 348-4003

Lawhelpmn.org (Legal information on a variety of Sexual Assault issues)
<http://www.lawhelpmn.org/issues/abuse-violence-crime-victims-rights/sexual-assault-and-other-crime-victims>

Walk-In Counseling Center
 (Free Mental health Counseling)
<http://www.walkin.org/>(check website for hours)
 2421 Chicago Avenue S
 Minneapolis, MN 55404
 612-870-0565 x 100

Health Care Options

Hennepin County Medical Center
 Sexual Assault Resources Service
 612-873-5832
 701 Park Avenue
 Orange Building, 2.220
 Minneapolis, MN 55415

Hennepin County Medical Center Sexual Assault Resources Service (SARS) provides assistance to victims of rape and Sexual Assault through area hospital emergency departments 24 hours a day. SARS counselors meet with victims and their families at HCMC and other participating hospitals to complete the evidentiary exam and to help them cope with the trauma and consequences of the assault.

Sexual Assault Nurse Examiners (SANEs) perform a special exam and collect evidence in a “rape kit.” There is no charge for the SANE exam.

You can have a SANE exam within 120 hours after the rape or Sexual Assault. The purpose of the SANE exam is to collect forensic evidence, receive preventative health care, and see if you have any physical injuries that need tending. The exam will take place at the Sexual Assault exam site, in a confidential room with trained staff and volunteers. During the exam, the SANE will collect evidence such as your clothing, DNA swabs, etc. Prior to the exam, preserve all evidence and do not shower, bathe, change clothes, douche, brush teeth, drink or eat, or throw away any clothing until police or medical personnel say it is okay. If you have done any of the above, it is still possible to do an exam, but it is not as effective. So if possible, please try to avoid any of these actions. Completing a SANE exam does not require you to file a police report. But, it does help preserve evidence in case you decide to file a police report at a later date.

Visa and Immigration Assistance

US Citizenship and Immigration Services
 2901 Metro Drive
 Suite 100
 Bloomington, MN 55425

Student Financial Aid

Financial Aid Office: 612-381-3347

XVII. State Law Definitions

Some of the conduct prohibited by this Policy may be crimes. Links to relevant Minnesota criminal law definitions are provided below. The Minnesota criminal law citations are provided for informational purposes

only. The definitions set forth in Section V. Prohibited Conduct above will be used for all purposes under this Policy.

Sexual Assault:

See Minnesota Statutes Section 609.341 (<https://www.revisor.mn.gov/statutes/cite/609.341>) et seq. for applicable criminal law definitions relating to sexual assault. Minnesota law prohibits criminal sexual conduct in the first through fifth degrees as set forth in Minnesota Statutes Sections 609.342 (<https://www.revisor.mn.gov/statutes/cite/609.342>)-609.3451 (<https://www.revisor.mn.gov/statutes/cite/609.3451>); criminal sexual conduct includes non-consensual sexual contact and non-consensual sexual penetration as those terms are defined in Minnesota Statutes Section 609.341 (<https://www.revisor.mn.gov/statutes/cite/609.341>).

Dating Violence:

See Minnesota Statutes Sections 518B.01 (<https://www.revisor.mn.gov/statutes/cite/518B.01>); 609.2242 (<https://www.revisor.mn.gov/statutes/cite/609.2242>) for applicable criminal law definitions relating to dating violence. Minnesota law does not specifically define dating violence; however, Minnesota law prohibiting domestic abuse includes physical harm, bodily injury, or assault committed between persons involved in a significant romantic or sexual relationship.

Domestic Violence:

See Minnesota Statutes Sections 518B.01 (<https://www.revisor.mn.gov/statutes/cite/518B.01>); 609.2242 (<https://www.revisor.mn.gov/statutes/cite/609.2242>) for applicable criminal law definitions relating to domestic violence. Minnesota law prohibits domestic abuse committed against a family or household member by a family or householder member, as those terms are defined in Minnesota Statutes Section 518B.01 (<https://www.revisor.mn.gov/statutes/cite/518B.01>).

Stalking:

See Minnesota Statutes Section 609.749 (<https://www.revisor.mn.gov/statutes/cite/609.749>) for applicable criminal law definitions relating to stalking. Minnesota law prohibits stalking as defined in Minnesota Statutes Section 609.749.

Pregnancy and Related Conditions Policy

Nothing in this Policy is intended to create or define the terms of a contract between Dunwoody and any applicant, student, or other individual or entity. The College reserves the right to alter, amend, or deviate from the provisions in this Policy at any time, with or without notice to the College community.

I. Purpose

Dunwoody College of Technology (the “College”) is dedicated to providing equal access to its education programs and activities for all applicants and students and to fostering a community that welcomes and supports pregnant and parenting applicants and students. This Policy outlines the College’s commitment to comply with applicable Federal law, including Title IX of the Education Amendments of 1972 and any other applicable law and establishes the College’s intent to protect applicants and students against unlawful discrimination based on pregnancy or related conditions. The Policy also describes reasonable modifications and resources that may be available to students.

II. Scope

This Policy generally applies to applicants for admission (“applicants”) and admitted students (“students”) at the College, though some provisions are limited to students where indicated. This Policy applies to pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions relating to pregnancy, childbirth termination of pregnancy, or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions (collectively, “pregnancy or related conditions”). Generally, recovery from childbirth will be presumed to include the six (6) weeks following childbirth. However, recovery time will be extended when deemed medically necessary by an applicant’s or student’s healthcare provider. Recovery time from other conditions will be determined based on the time deemed medically necessary by an applicant’s or student’s healthcare provider. This Policy applies regardless of the gender identity or expression of an applicant or student.

III. Nondiscrimination, Harassment, & Retaliation

In accordance with Title IX and other applicable Federal and state laws, the College does not unlawfully discriminate against any applicant or student or exclude any applicant or student from its education program or activity on the basis of sex, which includes an applicant’s or student’s current, potential, or past pregnancy or related conditions, in its education programs and activities. Additionally, in accordance with Title IX, the College will not apply any rule concerning an applicant’s or student’s current, potential, or past parental, family, or marital status which treats applicants or students differently on the basis of sex.

The College will not tolerate discrimination or harassment on the basis of sex, including on the basis of current, potential, or past pregnancy or related conditions, in its community and will promptly and equitably respond to reports of discrimination and harassment. The College also prohibits retaliation against any individuals for reporting discrimination or harassment prohibited by this Policy or for exercising or attempting to exercise a right under this Policy. Reports of discrimination, harassment, or retaliation should be made to the Title IX Coordinator at ksattler@dunwoody.edu. Any member of the College community can make a report. Reports of discrimination, harassment, or retaliation will be handled according to the applicable grievance procedures outlined in the College’s Unlawful Harassment and Sexual Conduct Policy (https://catalog.dunwoody.edu/catalog-student-handbook/student-rights-responsibilities/unlawful-harassment-sexual-conduct-policy/?_gl=1*fhtrsi*_gcl_au*NTc4NjA0MjMlLjE3MjU0ODM3Mjk.*_ga*MjA5NzA0NTc4NjA0MjMlLjE3MjU0ODM3Mjk.*_ga_BK9SP80F0tMfcvNTO4MzcwQS4xljEUMTq4NDA1) or Nondiscrimination Policy (<https://catalog.dunwoody.edu/employee-handbook/nature-employment/equal-employment-opportunity-nondiscrimination/>), as is appropriate based on the allegations in the report.

Title IX Coordinator The Title IX Coordinator or their designee is responsible for coordinating all actions by the College under this Policy and ensuring that the College’s obligations under Title IX are carried out. When this Policy refers to actions of the Title IX Coordinator, these actions may be fulfilled by the Title IX Coordinator or the Title IX Coordinator’s designee. Students who wish to request action by the College under this policy or other resources related to their pregnancy or related condition should contact the Title IX Coordinator at ksattler@dunwoody.edu.

IV. Reasonable Modifications

As appropriate, the College will make reasonable modifications to its policies, practices, or procedures based on a student’s pregnancy or related conditions as necessary to prevent sex discrimination and ensure

equal access to the College’s education program or activity, provided that such modifications do not fundamentally alter the nature of the College’s education program or activity. The College will treat pregnancy and related conditions in the same manner as it treats other temporary disability. A student in need of a reasonable modification on the basis of pregnancy or related conditions should contact the Title IX Coordinator at ksattler@dunwoody.edu. The Title IX Coordinator will work with the student and faculty to identify and implement appropriate reasonable modifications that are necessary to prevent sex discrimination and ensure equal access to the College’s education program or activity, and that do not fundamentally alter the nature of the education program or activity. In any situation where an agreement regarding a modification cannot be reached, the Title IX Coordinator has the discretion to determine whether a particular requested modification is reasonable and will be provided. Each reasonable modification will be based on the student’s individualized needs. The determination of reasonable modifications involves an interactive process between the College and the student. The College may require supporting documentation related to reasonable modifications. While not exhaustive, the following subsections provide additional information about reasonable modifications that may be available.

a. Absences and Missed Coursework

Course absences due to pregnancy or related conditions, including absences to attend medical appointments, may be excused. However, depending on the length and frequency of the absence and the area of instruction (e.g., courses with lab requirements, clinical rotations, etc.), it may not be feasible, even with reasonable modifications, for a student to complete a particular course at a particular time. The College may limit excused absences to those deemed medically necessary by the student’s healthcare provider and may require documentation from a student’s healthcare provider confirming the necessity of the absence(s). When the student returns to the College, to the extent possible, the College will reinstate the student to the status the student held when the absence began. As discussed under the “Certification to Participate” section below, a student may need to provide the College with certification from the student’s healthcare provider prior to returning to an academic or extracurricular program or activity.

The College will provide students extensions of time and/or changes in schedule to complete or make up coursework that is due or was missed as a result of an absence due to pregnancy or related conditions. The method and timing for making up missed course work may depend on the nature of a particular course or activity. For example, courses with lab work or clinical rotations may need to be made up by taking or retaking part or all of a course during a subsequent semester.

Students are responsible for contacting faculty members to notify them of their intent to miss class or to be on a leave due to pregnancy or related conditions. In the event that prior notice is not possible due to an emergency, students are responsible for contacting faculty as soon as possible after the fact. Students should work with faculty to determine how they will make up any work that was missed during the absence.

Faculty are responsible for ensuring that all students have equal access to the College’s education programs and activities. This includes, where appropriate, working with the Title IX Coordinator to make reasonable modifications for students to make up any missed coursework, fieldwork, and any points or credits that are based on course attendance or participation. When appropriate, faculty may assign different coursework to replace coursework, fieldwork, or attendance/participation points that were missed. Notwithstanding the foregoing, nothing in this Policy is

intended to fundamentally alter course requirements or other aspects of the education program or activity.

b. Remote Learning

When appropriate, remote or homebound learning may be a reasonable modification that is needed due to pregnancy or related conditions. The availability of remote or homebound learning as a modification will be based on the nature of the course, the availability of needed technology, and the needs of the student. Generally, remote or homebound learning will be provided as a reasonable modification only for a limited period of time based on medical necessity. Notwithstanding the foregoing, nothing in this Policy is intended to fundamentally alter course requirements or other aspects of the education program or activity.

c. Physical Modifications

Physical modifications, such as more comfortable seating, a larger desk, a footrest, elevator access, more frequent breaks or allowances to sit, stand, drink water, eat, use the restroom, or rest, etc., during class time or fieldwork may also be made available for students as needed due to pregnancy or related conditions, provided that such modifications do not fundamentally alter the nature of an education program or activity.

d. Lactation Modifications

Reasonable modifications are available for lactating students who need to breastfeed or express breast milk for their nursing child or for medical reasons relating to the student's pregnancy or related condition. If possible, students are encouraged to breastfeed or express breastmilk between classes or outside of instruction time, in order to minimize disruption to the student's learning. In cases where that is not possible and a student must miss class or field work to breastfeed or express breastmilk, such absence will be excused, the student will not be penalized for the time missed, and the student will be provided an opportunity to make up any time or work missed during the absence, provided that such modifications do not fundamentally alter the nature of an education program or activity. Students should work with faculty to determine how they will make up any time or work that was missed during the absence. For more information, see the "Absences and Missed Coursework" section above.

e. Accommodations for Pregnancy-Related Disabilities

Reasonable accommodations may also be available for students with a pregnancy-related disability. Students with a pregnancy-related disability are encouraged to contact the Associate Dean of Student Affairs at jrichardson@dunwoody.edu. More information regarding disability support can be found here (https://catalog.dunwoody.edu/catalog-student-handbook/student-rights-responsibilities/accommodation-requests/?_gl=1*c2kf29*_gcl_au*MzM2MDcwMTIwLjE3MjQyNzAwMTE.*_ga*MTk0MTEyNDcwMjY4NzI0MjIwMDEy*_ga-BKCSPP80F0*MTc5NDI3MDA4MjI4xLjEuMTcyNDI3). To the extent possible, the Title IX Coordinator and Student Affairs will work together to provide reasonable modifications and reasonable accommodations to students with a pregnancy-related disability.

f. Other Reasonable Modifications

The descriptions of reasonable modifications above are not an exhaustive list of reasonable modifications available from the College. Reasonable modifications may also be available in the areas of counseling, changes to test or exam dates, changes to course sequence, extensions of deadlines, and many other aspects of the College's education programs and activities, provided that the modifications do not fundamentally

alter the nature of an education program or activity. Students are encouraged to identify and request reasonable modifications that are not discussed in this Policy. The availability and reasonableness of a requested modification will be determined on a case-by-case basis, regardless of whether they are specifically mentioned in this Policy. The Title IX Coordinator will work with the student and faculty to identify and implement appropriate reasonable modifications that are necessary to prevent sex discrimination and provide the student with equal access to the College's education program or activity, and that do not fundamentally alter the nature of the education program or activity.

g. Assistance for Other Expectant and New Parents

While most provisions in this Policy apply to expectant or new birth mothers/gestational parents, assistance and adjustments may be available for expectant or new parents other than birth mothers/gestational parents, such as expectant or new co-parents and expectant or new adoptive or foster parents, as appropriate. Students in need of assistance or adjustments because they are an expectant or new co-parent or expectant or new adoptive or foster parent should contact the Title IX Coordinator at ksattler@dunwoody.edu. Additionally, resources available to all expectant and new parents are described in the "Resources" section below.

V. Lactation Space

The College will ensure that students can access a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed. Such lactation space is available located on the Silver Level. Students in need of an alternative location should contact the Title IX Coordinator at ksattler@dunwoody.edu.

VI. Leave of Absence

Students may take a voluntary leave of absence due to pregnancy or related conditions for so long a period of time as is deemed medically necessary by the student's licensed healthcare provider. At the conclusion of such leave of absence, to the extent possible, the student will be reinstated to the academic status and, as practicable, to the extracurricular status, that the student held when the leave began. However, depending on the length the leave and the area of instruction (e.g., courses with lab requirements, clinical rotations, etc.), it may not be feasible for a student to return to a particular course at a particular time, and it may be necessary in some circumstances for a student to restart a course from the beginning.

Before granting a leave of absence, the College may require supporting documentation related to the leave of absence. Notwithstanding the foregoing, nothing in this Policy is intended to fundamentally alter course requirements or other aspects of the education program or activity.

VII. Certification to Participate

Depending on the nature of the class, program, fieldwork, extracurricular activity, or other education program or activity in which a student is involved, the College may require a student to obtain written certification from the student's healthcare provider that the student is physically able to participate in the class, program, fieldwork, extracurricular activity, or other education program or activity. Such certification will only be required in situations where the College requires such certification from

all students for other physical conditions requiring the attention of a physician.

VIII. Comparable Treatment to Other Temporary Disabilities

The College will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary disabilities with respect to any medical or hospital benefit, service, plan, or policy the College administers, operates, offers, or participates in with respect to students admitted to the College's education program or activity. Likewise, in determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, the College will treat disabilities related to pregnancy, childbirth, termination of pregnancy, or recovery therefrom in the same manner and under the same policies as any other temporary disability or physical condition.

IX. College Employment

If a student is also employed by the College, the student should review the College's Employee Handbook and contact Vice President of Human Resources, Patricia Edman, at pedman@dunwoody.com regarding any pregnancy-related questions or concerns pertaining to the student's employment.

X. Resources

The College is committed to supporting students who are expecting or new parents, including birth mothers/gestational parents and , as applicable, expectant or new co-parents and expectant or new adoptive or foster parents. Several resources are available on and off campus. Students can contact the Title IX Coordinator at ksattler@dunwoody.edu for more information regarding resources.

On-Campus Resources

Women's Initiatives Office
Phone: 612.381.3379
dtenenbaum@dunwoody.edu

Student Success Center

Phone: 612.381.8122

efritz@dunwoody.edu

Housing Office

Phone: 612-462-3001

gbryan@dunwoody.edu

Office of Financial Aid

Phone: 612.381.3405

financialaid@dunwoody.edu

Off-Campus Resources

AllOneHealth

(Dunwoody's free private and confidential tele-counseling service)

1.800.756.3124

Available on LaunchPad. Click on the AllOneHealth logo after you've logged in.

Hennepin Healthcare: The Birth Center

<https://www.hennepinhealthcare.org/specialty/the-birth-center/>

Appointments and questions: 612-873-6963

Orange Building, Level 4
730 S 8th St.
Minneapolis, MN 55415

Hennepin Healthcare Women's Health and Wellness Clinic

(612) 873-6963

715 S 8th St Level 5
Minneapolis, MN 55415

Minnesota Crisis Nursery

<https://www.crisisnursery.org/>

Crisis Helpline: 763.591.0100

General: 763.591.0400

4544 4th Avenue South

Minneapolis, MN 55419

Hennepin County Minnesota – Child Care Assistance

<https://www.hennepin.us/en/residents/human-services/child-care-assistance> (<https://www.hennepin.us/en/residents/human-services/child-care-assistance/>)

Phone: 612.348.5937

Walk-In Counseling Center

<http://www.walkin.org/> (check website for hours)

2421 Chicago Avenue S
Minneapolis, MN 55404
612-870-0565 x 100

XI. Contact Information

To make a report of discrimination, harassment, or retaliation, to request reasonable modifications, or to ask questions regarding this Policy, please contact:

Kelli Sattler, Ed.D.

Title IX Coordinator

Dean of Student Affairs

612-381-3437

Office: Pinska Center

ksattler@dunwoody.edu