

ALFRED UNIVERSITY'S DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT POLICY Rev. 8/2025

Introduction

Alfred University's Discrimination, Harassment and Sexual Misconduct Policy has been adopted to ensure that all students, faculty, staff and guests may work, study, and enjoy the society of the University community without being subjected to discrimination, harassment or any form of non-consensual sexual activity.

Alfred University's Board of Trustees has entrusted the President of the University with the responsibility to appoint the appropriate personnel to oversee the administration and enforcement of the provision of this policy.

Tom Johnson is the Title IX Coordinator and may be contacted via email at johnsont@alfred.edu. He has appointed the following as Title IX Deputy Coordinators:

Deb Drain, Chief Human Resources Officer, (607) 871-2909

Thomas Orrange, Dean of Student Experience, (607) 871-2895

The Title IX Coordinators and Deputy Title IX Coordinators may, at their discretion, designate other trained University employees or third parties to assist in the administration and enforcement of this policy. References to the Title IX Coordinator or Deputy Title IX Coordinators may also encompass a designee for specific tasks.

Statement of Nondiscrimination

Alfred University ("University") does not discriminate and prohibits discrimination against any individual based on any category protected under applicable federal, state, or local laws.

Accordingly, Alfred University does not discriminate, and strictly prohibits unlawful discrimination on the basis of race (including traits historically associated with race, such as hair texture and protective hairstyles), color, religion, creed, national origin, ancestry, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity or expression, age, sexual orientation, physical or mental disability, citizenship, genetic information or predisposing genetic characteristics, marital status, familial status, domestic violence victim status, caregiver status, military status, including past, current, or prospective service in the uniformed services, or any other category or characteristic protected by applicable law. When brought to the attention of Alfred University, any such discrimination will be appropriately addressed by the University according to the procedures below and any applicable collective bargaining agreement.

The protections in this policy apply regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

Policy Statement

Alfred University is committed to maintaining a learning and working environment that is free of bias, prejudice, and harassment – an environment that supports, nurtures, and rewards career and educational advancement based on ability and performance.

Alfred University is also a community that values freedom of expression, intellectual inquiry, and academic debate. This policy is not intended to prevent or penalize a statement, opinion, theory, or artistic expression offered within the bounds of legitimate, relevant, and responsible teaching or learning.

Policy Coverage

This policy sets forth behavioral expectations for all members of the Alfred University community: students, faculty, and staff. Alfred University will not tolerate harassment or discrimination in the workplace, classroom, University facilities, and in other Alfred University-related settings, such as study-abroad programs and Alfred University-sponsored social functions and events. Non-community members (guests, alumni, vendors, family members, etc.) visiting our campus are also expected to abide by the behavioral expectations set forth here.

Off-campus conduct not in connection with Alfred University programs that adversely affects the University community or the pursuit of its objectives, including, but not limited to:

- Conduct that constitutes a violation of any law or municipal ordinance,
- Creates a threatening or hostile work or learning environment on campus or within an Alfred University program,
- The incident causes concern for the safety or security of Alfred University's property may violate this policy, or
- Any situation that is detrimental to the educational interests or mission of the University.

If the Respondent is unknown or is not otherwise subject to sanctions imposed by the University, the Title IX Coordinator will offer the Complainant supportive measures, remedies, and resources, such as, identifying appropriate campus and local resources and support options or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. Although the University may not, in certain instances, be in a position to conduct an investigation, it may provide appropriate resources or support to impacted individuals and where appropriate, the broader the University community.

Members of the University community are expected to provide truthful information in any report, meeting, or proceeding under this policy.

Any respondent who is not a University student, faculty member, or staff member is generally considered a third party. Alfred University's ability to take appropriate corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, to Alfred University. When appropriate, the Title IX Coordinator will refer such allegations against third-party respondents to the appropriate office.

Alfred University maintains a separate policy, the Title IX Policy, for types of sexual harassment, sexual misconduct, dating violence, domestic violence and stalking that are either covered by Title IX of the Education Amendments of 1972 ("Title IX") and the U.S. Department of Education's May 2020 Title IX regulations.

Conflict of Interest of Bias

Any individual carrying out any part of this policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator is to immediately notify the Provost & Chief Operating Officer or designee who will either take, or reassign, the role of Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue. Should any investigator, Decisionmaker, or Appeals Panel have a conflict of interest, the investigator, Decisionmaker, or Appeals Panel is to notify the Title IX Coordinator upon discovery of the conflict so that the Title IX Coordinator may reassign the role as appropriate. This policy will note where parties have the opportunity to challenge the participation of any individual implementing this policy based on actual conflict of interest or demonstrated bias.

Disability Accommodations

This Policy does not alter any institutional obligations under federal disability laws, including the Americans with Disabilities Act

of 1990 and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator and/or a Deputy Title IX Coordinator at any point before or during any resolution process that do not fundamentally alter the Process. The Title IX Coordinator and/or a Deputy Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

Definitions

Affirmative Consent

For the purposes of this Title IX Grievance Policy, “consent” or “affirmative consent” means a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time.

Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.

Amnesty

The health and safety of every student at Alfred University is of utmost importance. Alfred University realizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Alfred University strongly encourages students to report domestic violence, dating violence, stalking or sexual assault to university officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to Alfred University officials or law enforcement will not be subject to the University's conduct of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking or sexual assault.

Complainant

The term complainant refers to the person making the complaint or report. That person is usually the person who experienced the discrimination, harassment, sexual misconduct, or other violation of this policy.

Coercion

Coercion is intimidation or conduct that would compel an individual to do something against their will by:

- a. expressed or implied threats of physical, emotional, property, or reputational harm, or
- b. pressure that would cause a reasonable person to fear such harm.

Coercion is more than an effort to persuade or attract another person to engage in sexual activity. In assessing whether coercion was used, the frequency, duration, and intensity of the pressure applied will be taken into consideration.

Days

Any reference to days refers to business days when Alfred University is in normal operation.

Decisionmaker or Hearing Officer

Trained professional designated by Alfred University to decide responsibility, sanction, or appeals. A Decisionmaker may be one person, or a panel of multiple people as determined by Alfred University. The investigator may be appointed as the Decisionmaker.

Force

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats and intimidation (implied threats) that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Incapacitation

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping.

Respondent

The term respondent refers to the person alleged to have committed the alleged discrimination, harassment, sexual misconduct, or other violation of this policy.

Responsible Employees

All fulltime staff and faculty of Alfred University are required to promptly report information about possible sexual harassment or sexual misconduct, including but not limited to sexual assault, domestic or dating violence, and stalking to the designated Title IX Coordinator or Title IX Deputy Coordinator listed on page 4 of this document.

Sexual Activity

Sexual Activity shall have the same meaning as “sexual act” and “sexual contact” and is defined as

- contact between the penis and the vulva or the penis and the anus, and involving the penis occurs upon penetration, however slight;
- contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
- the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;
- the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;
- the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person

Sexual Misconduct

The term sexual misconduct is a term used by this policy to more conveniently refer to any form of sex or gender-based discrimination; sexual or gender-based harassment; non-consensual sexual activity or sexual offense; dating violence, or domestic violence if between current or former spouses or romantic partners; or stalking, if the circumstances of the stalking suggest gender-based animosity, hostility or occurs in the context of a romantic or sexual pursuit.

Sex Offenses

Alfred University expects that any sexual activity or contact will be based on mutual affirmative consent to the specific sexual

activity.

Student

Any person who has (or will have) attained student status by way of:

1. Admission, housing, or other service that requires student status.
2. Registration for one or more credit hours.
3. Enrollment in any non-credit, certificate or other program offered by the university.

Supportive Measures

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

- Restore or preserve that party's access to Alfred University's education program or activity, including measures that are designed to protect the safety of the parties or Alfred University's educational environment; or
- Provide support during Alfred University's grievance procedures or during an alternative resolution process.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; no-contact directives (which may be mutual or unilateral at the discretion of the Title IX Coordinator); and training and education programs related to sex-based harassment. Supportive measures are non-disciplinary and non-punitive. Supportive Measures will also be offered to respondents when they are notified of the allegations.

Any Supportive Measures put in place will be kept confidential, except when doing so impairs the ability of the institution to provide the Supportive Measures.

Alfred University will offer and coordinate supportive measures as appropriate for the parties as applicable to restore or preserve their access to Alfred's program or activity or provide support during Alfred University's alternative resolution process or grievance procedures. Prohibited Conduct under this policy have the right to request supportive measures from Alfred University regardless of whether they desire to file a complaint.

A party may challenge Alfred's decision to provide, deny, modify, or terminate supportive measures when such measures are applicable to them. An impartial employee will be designated to consider modification or reversal of Alfred's decision to provide, deny, modify, or terminate supportive measures. When the individual providing Supportive Measures is a Deputy Title IX Coordinator or other individual identified by the Title IX Coordinator to provide Supportive Measures, the Title IX Coordinator will be designated to consider the challenge regarding supportive measures. The impartial employee will typically respond to the challenge within five (5) days.

The Title IX Coordinator has the discretion to implement or modify supportive measures. Violation of the parameters of supportive measures may violate existing codes or handbooks.

Prohibited Conduct

Discrimination

Discrimination is defined as treating members of a protected category less favorably because of their actual or perceived membership in that category or as having a policy or practice that adversely impacts the members of one protected category more than others.

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

Discriminatory Harassment

Discriminatory Harassment is subjecting an individual to unwelcome conduct, whether verbal or physical, that creates an intimidating, hostile, or abusive working, learning or campus living environment; that alters the conditions of employment or education; or unreasonably interferes with an individual's work or academic performance on the basis of someone's actual or perceived membership in a protected category.

Harassment may include, but is not limited to: verbal abuse; epithets or slurs; negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; insulting or obscene comments or gestures; and the display or circulation of written or graphic material (including in hard copy, by email or text, or through social media) that denigrates or shows hostility or aversion toward an individual or group members of a protected category. Calls, texts, emails, and social media usage that occurs on or off campus can contribute to a hostile work, learning, or living environment.

Alfred University will determine whether the conduct was discriminatory based on both subjective and objective factors, based on the totality of the circumstances surrounding an alleged incident or course of conduct, including, the frequency, nature, and severity of the conduct, and whether a reasonable person would find the conduct discriminatory. Harassment need not be severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

Protected categories include race, religion, hearing status, color, sex, pregnancy, political affiliation, religion, creed, ethnicity, national origin (including shared ancestry and ethnic characteristics), citizenship status, physical or mental disability, body size, age, marital status, family relationship, sexual orientation, gender, gender identity or expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local, state or federal law.

Hostile Environment Sex-Based Harassment

Consistent with state law, hostile environment sex-based harassment is a form of sex discrimination and a form of discriminatory harassment. Sex-based harassment need not be sexual in nature and is on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Unwelcome sexual advances, requests for sexual favors, requests for sexual contact, sexual comments, physical or visual conduct of a sexual nature, and sharing or displaying sexual images constitute sex-based harassment.

This includes when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic, co-curricular, or campus life activities; or Submission to or rejection of such conduct by an individual is used as the basis for academic, student life, or employment decisions affecting that individual; or
- Such unwelcome conduct is intentional or serves no legitimate purpose; or
- It involves unwelcome contact with parts of another individual's body which may cause that person to feel degraded or abused; or
- The unwelcome behavior is for the purpose of gratifying the actor's sexual desire; or
- The unwelcome conduct constitutes more than "petty slights or trivial inconveniences"; or
- Such unwelcome conduct has the purpose or effect of unreasonably interfering with another person's academic or work performance or creating an intimidating, hostile, demeaning, or offensive working, learning, campus, or living environment.

The following describes acts that may be unlawful sex-based harassment and are strictly prohibited:

- Unwelcome touching, pinching, patting, grabbing, brushing against another's body;
- Subtle or obvious pressure for unwelcome sexual activities;
- Unwelcome requests for sexual favors accompanied by implied or overt threats concerning performance evaluations, promotion, etc.;

- Unwelcome images, texts, social media posts, or other images or materials that are sexually demeaning or pornographic (this does not include images shown solely for the purposes of academic instruction or research);
- Unwelcome sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile environment

Non-Title IX Sexual Assault

Consistent with federal law, Alfred University defines sexual assault as including:

- a. Non-consensual Sexual Contact: The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication.
- b. Non-Consensual Sexual Intercourse: Sexual assaults of this type can be sub-defined by the following:
 - Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, forcibly or without affirmative consent or where the victim is incapable of consent due to mental or physical incapacity.
 - Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Non-Title IX Dating Violence

Dating violence refers to physical violence (hitting, punching, kicking, etc.), threats of violence or other abusive, intimidating behavior 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 relationship shall be determined based on a consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the people involved in the relationship.

Emotional and psychological abuse do not constitute violence for the purposes of this definition.

Non-Title IX Domestic Violence

Felony or misdemeanor crimes of violence committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of Alfred University, or a person similarly situated to a spouse of the victim;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Emotional and psychological abuse do not constitute violence for the purposes of this definition.

Non-Title IX Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for them safety or the safety of others; or suffer substantial emotional distress. Stalking behavior may include but is not limited to repeated, intentional following or observing another; or using "spyware" or other electronic means to gain impermissible access to a person's private information.

Sexual Exploitation

Sexual exploitation occurs when, without affirmative consent, one takes sexual advantage of another. Examples of sexual

exploitation include but are not limited to observing or recording others engaged in sexual or private activity (such as consensual sexual activity, undressing or showering) without the consent of all involved; or taking intimate pictures of another but then distributing the pictures to others without the photographed person’s affirmative consent; generating or enhancing intimate images of another; prostitution, acts of incest, or exposing one’s genitals in non- consensual circumstances; or engaging in sexual activity with another while knowingly infected with a sexually transmitted infection (STI) without informing the other person of such infection.

Retaliation

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of Prohibited Conduct. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct against any person by Alfred University, a student, or an employee or other person authorized by Alfred University, to provide aid, benefit, or service under Alfred University’s education program or activity, for the purpose of interfering with any right or privilege secured by this policy or by law, including Title IX or its regulations. Adverse action does not include perceived or petty slights, or trivial annoyances.

The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in an investigation, proceeding, or hearing, and to any student who refuses to participate in an investigation, proceeding, or hearing.

Retaliation may occur even where there is a finding of “not responsible” under this policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation.

Consensual Relationships Involving Alleged Unequal Power Dynamics

Sexual behavior that is welcome or consensual does not constitute sexual harassment under the law. However, certain romantic relationships in situations where one individual has greater power or authority, based on an official University role, over another may result in claims of harassment when the relationship ends and often gives the perception of favoritism or coercion while the relationship continues. Such relationships may be deemed inappropriate under this policy based on the facts and circumstances. A “consensual” relationship between a professor and their student, a supervisor and a subordinate, or a coach and team player are examples of inappropriate relationships. If a consensual relationship occurs, any situation of authority must be discontinued, and appropriate action may be taken. It is the responsibility of the person in the relationship with the greater authority to disclose the relationship promptly to the Title IX Coordinator, an appropriate Title IX Deputy Coordinator, or the Chief Human Resources Officer. Certain Departments and Divisions of Alfred University may have policies or expectations that hold their members to more stringent standards than this policy, and these higher standards will be the controlling document in such cases.

Reporting and Resources

Campus Resources

A victim is encouraged to seek support for their emotional and physical needs. A person seeking confidential emotional, or health care may contact the following resources.

Counseling Services	607-871-2300
Health Services	607-871-2400

Professionals in Counseling Services and healthcare professionals at the Wellness Center (Health & Counseling Services) are the only Alfred University employees who can offer legally protected confidentiality. These Confidential Resources can provide assistance and information regarding medical assistance and treatment (including information about sexually transmitted infections, and sexual assault forensic examinations), and resources available through the New York State Office of Victim Services, academic and other campus support options, campus disciplinary proceedings and law enforcement options. The health and counseling services noted above are available to students free of charge). Information shared with Alfred University’s Wellness Center staff will not be shared with the Title IX /Deputy Title IX Coordinators; therefore, a report to a confidential resource is not a report to the University and will not result in remedial action, an investigation, or conduct action. In addition, a confidential resource is not able to make any changes a complainant may desire to avoid the respondent, such as a change in

housing assignment, class assignment, alternative means of transportation, or different work assignment. Similarly, information shared at public awareness and advocacy events (such as “Take Back the Night”) does not create an obligation on the part of the University to investigate that information and/or take further action. Any person who desires Alfred University to investigate for potential conduct action or request any intermediate accommodations, the person must make a report to one of the Title IX Coordinator/Deputy Title IX Coordinator’s listed below.

Off Campus Resources

In addition to the Wellness Center, there are off campus, community confidential resources that are available. Reports to these confidential resources will not constitute a report to the University and will not result in the University taking any action against the accused. These confidential resources, which may or may not charge services fees, include:

Community Action 24-Hour Hotline	1-888-945-3970
Rape Crisis of the Southern Tier	1-888-810-0093
NYS Police Sexual Assault Hotline	1-844-845-7269
NYS Domestic Violence Hotline	1-800-942-6906
NYS Office of Victim Services	1-800-247-8035

Title IX Coordinator/Title IX Deputy Coordinators

The following offices and individuals have been trained to receive and respond to allegations of violations of this policy.

Title IX Coordinator (all persons)
Tom Johnson, johnsont@alfred.edu

Title IX Deputy Coordinator
Chief Human Resources Officer, Deborah Drain, 607-871-2909 drain@alfred.edu

Title IX Deputy Coordinator
Dean of Student Experience, Thomas Orrange, 607-871-2985 orange@alfred.edu

If a report is made to anyone other than the Title IX Coordinator/ Title IX Deputy Coordinator listed above, the complainant risks the possibility that the information will not come to the attention of the proper Alfred University officials and may, therefore, not be acted upon.

Upon receiving a report, the Title IX Coordinator/ Title IX Deputy Coordinator to whom the report was made will discuss with the complainant available avenues and options. Options may include reports to local law enforcement, initiating a disciplinary proceeding against the respondent and remedial actions to ameliorate or correct the effects of the discrimination, harassment, or sexual misconduct. Other options may include, but are not limited to, interim changes in housing assignment, class assignment, and alternative means of transportation to allow the complainant to avoid interacting with the respondent.

There is no time limit for making a report. However, the passage of time may make effective responsive action difficult. Further, if the respondent is no longer a member of the community, Alfred University’s ability to respond may be limited. It is at the discretion of the assigned Title IX Deputy Coordinator to determine the action Alfred University will take concerning complaints which are filed after a substantial amount of time has passed. Individuals are encouraged to bring complaints forward in a timely manner.

Alfred University may impose interim suspension or interim restrictions in effort to protect the physical or emotional safety of any member of the community or ensure orderly operations. The imposition of interim restrictions, if any, will be determined by the Title IX Coordinator and the appropriate Title IX Deputy Coordinator.

Title IX Coordinator/ Title IX Deputy Coordinators and Responsible Employees are not a confidential resource. A Responsible Employees will share all information reported to him/her with the Title IX/Title IX Deputy Coordinator. However, this sharing of information does not necessarily lead to an investigation or disciplinary action. (See “choices of action to take” section for further

explanation as to the response to a report.) A report to a Responsible Employees or a Title IX Coordinator/Title IX Deputy Coordinator may be made anonymously, but Alfred University's ability to respond to an anonymous complaint may be limited.

For more information about this policy and Alfred University's procedures to respond to acts of discrimination, harassment, or sexual misconduct, please contact a Title IX Coordinator/ Title IX Deputy Coordinator. You may do so even if you have not decided whether you wish to disclose information concerning a particular incident.

Law Enforcement

A victim of a crime is encouraged, but not required, to report the incident to local law enforcement and pursue criminal charges.

Alfred Village Police Department

Emergency, Call 911; Non-Emergency, 607-587-8877

Allegany County Sheriff's Department, New York Sheriffs' Victim Hotline (VINE)

For Offender information, call toll-free: 1-888-VINE-4-NY (1-888-846-3469)

Statewide Victim Assistance and Notification 24 hours a day; New York

State Police maintain a 24-hour

Hotline staffed by individuals trained to respond to sexual assault 1-844-845-7269

The criminal process and Alfred University's disciplinary processes are not mutually exclusive or dependent on each other, meaning that a person may pursue either a criminal complaint or University complaint or both. Any internal investigation and/or hearing process may be conducted concurrently with any criminal justice investigation and proceeding that may be pending. Temporary delays in Alfred University's internal processes may be requested by local law enforcement authorities for the purpose of gathering evidence. Any requested temporary delay must be submitted to the Title IX Coordinator/Deputy Title IX Coordinator and shall not last more than ten (10) days, except when local law enforcement authorities specifically request and justify a longer delay.

In criminal cases, the preservation of evidence is critical and must be done properly and promptly. If you are the victim of a crime, you are encouraged to call 911 immediately. To preserve evidence, it is best that you do not change your clothes, shower, or brush your hair or teeth, as physical evidence may be lost. The Alfred Police Department, 7 West University Street, Alfred, NY 14802 607-587-8877 (or 911) can assist in filing a criminal complaint and securing an appropriate examination by a Sexual Assault Nurse Examiner.

Additionally, orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by an Alfred University community member or other person. In appropriate circumstances, an order of protection may be available that restricts the offender's right to enter Alfred University's property, and Alfred University will abide by a lawfully issued order of protection. University officials will, upon request, provide reasonable assistance to any member of the campus community in obtaining an order of protection or, if outside of New York State, an equivalent protective, including providing that person with:

- a copy of an order of protection or equivalent when received by the University and providing that person with an opportunity to meet or speak with a University representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the other person's responsibility to stay away from the protected person or persons;
- an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension; and
- assistance in contacting local law enforcement to effect an arrest for violating such an order of protection.

If an act of alleged assault or violence is reported to a Title IX Coordinator/ Title IX Deputy Coordinator, the victim will be encouraged to report the incident to local law enforcement. Alfred University must also report statistics concerning the occurrence on campus of certain violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include any personally identifiable information concerning the victim or the accused.

Reporting individuals should understand that not all sexual misconduct under this policy is a crime and the measures that standard law enforcement employs in processing complaints is different than the University's standard under this policy. Questions about whether incidents violate criminal laws and how the criminal process works should be directed to law enforcement officials or the Allegany County District Attorney.

For educational purposes, the New York State provisions defining criminal sexual offenses are provided as an addendum to this policy.

Emergency Removal

Alfred University retains the authority to remove a respondent from Alfred University program or activity on an emergency basis, where Alfred University: (1) undertakes an individualized safety and risk analysis; and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If Alfred University determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. The respondent may challenge the decision immediately following the removal, by notifying the Title IX Coordinator in writing. The University will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable.

Administrative Leave

Alfred University retains the authority to place a non-student employee respondent on administrative leave during a grievance process associated with this policy, consistent with guidelines outlined in the relevant employee handbook.

Support for Affected Community Members

Any University community member who has been impacted by behavior that violates this policy has the right to make a report to the Title IX Coordinator/ Deputy Title IX Coordinator's (listed below), the Office of Public Safety, local law enforcement, and/or the New York State Police, or choose not to report. If reported to Alfred University under this policy, a reporting individual will be protected from retaliation and will receive appropriate assistance and resources from Alfred University. A Student's Bill of Rights for cases involving sexual assault, domestic violence, dating violence or stalking is set forth at the end of this policy. Our Center for Academic Success (607-871-2148) can assist persons with disabilities.

Choices of Action to Take

Filing a Report Without a Resolution Process

A complainant may make a report to a Title IX Coordinator/ Title IX Deputy Coordinator and request that Alfred University take no investigatory or conduct action. Alfred University endeavors to comply with complainants' wishes with respect to whether responsive action is taken. However, that is not always possible.

Alfred University's decision will depend on the seriousness of the offense. The scope related to seriousness is determined by the following:

- There was an identified person accused or multiple accusations of an identified person;
- If there is reason to believe that the respondent(s) has engaged in this or similar conduct previously;
- The incident represents an escalation of past misconduct by the respondent(s);
- The respondent(s) threatened further violence against the victim or others;
- The sexual misconduct was perpetrated with a weapon or force;
- The complainant is a minor;

- The circumstances suggest an ongoing or future risk to the campus community or the complainant;
- Alfred University possesses other means to obtain relevant evidence of the sexual misconduct (e.g., security cameras, etc.);
- The overall safety of the campus community and other similar considerations.

A decision will be made and shared with the complainant. Alfred University retains the right to act upon any information that comes to its attention.

Similarly, a complainant may desire to have investigatory and/or conduct action taken but may wish to have their identity as the complainant kept confidential. Depending on the circumstances, this may or may not be possible. If any number of people could have reported the incident, it may be possible for the complainant's identity to remain confidential and not shared with the respondent. However, in other cases, it may not be possible to proceed with investigatory or conduct action without revealing the identity of the complainant. If a complainant requests that their name be kept confidential, Alfred University's ability to respond to the complaint may be limited. The Title IX Deputy Coordinator will consult with the Title IX Coordinator and a decision will be made and shared with the complainant. Alfred University retains the right to act upon any information that comes to its attention.

Even when confidentiality is not available, Title IX Coordinator and other University officials acting under this policy will maintain privacy to the greatest extent possible. Even University offices and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible. The information provided req to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

Even if no investigation or other internal disciplinary action is pursued, a complainant may request other remedial or supportive relief, such as changes in housing assignment, class assignment, alternative means of transportation, and a different work assignment to allow the complainant to avoid interacting with the respondent. Alfred University will review the facts and circumstances of each case, as well the complainant's wishes, in deciding what steps are reasonable and appropriate.

Filing a Complaint for Potential Conduct Action

Any individual may initiate a complaint (students may work with a third-party, including with Counseling Services to draft the complaint) by in person, email, phone, or through an online reporting form to the Title IX Coordinator or a Deputy Title IX Coordinator.

Initial Intake & Assessment

During the intake process, the Complainant will have the opportunity to ask questions and request supportive measures. The Complainant will also be provided with information related to forensic exams and other resources offered through the Office of Victim Services.

The Initial Assessment process seeks to gather information about the nature and circumstances of the report to determine whether this policy applies to the report and, if so, which resolution process may be appropriate, as well as which section of the resolution procedures apply based on the conduct and the status of the parties.

The Title IX coordinator may also determine that the provision of supportive measures only is the appropriate response under the policy. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the complaint is not the actual complainant, the Title IX Coordinator will limit communication to general information on policies and processes.

Should the complainant wish to initiate a resolution process, the Title IX Coordinator will determine whether this policy applies and, if so, the appropriate process under this policy. The Title IX Coordinator will communicate the determination to the complainant.

If the information provided does not suggest a potential violation of this policy, the Title IX Coordinator will provide the complainant written notice that the matter is being referred for handling under a different policy, and/or to another appropriate office for handling.

Withdrawal of Complaint

Prior to the conclusion of the investigation the complainant may withdraw the complaint. Withdrawal of the complaint in most cases will end the process. Alfred University has the right to move forward and complete the investigation process and submit a Finding Report to the Title IX Coordinator.

Agreement-Based Resolution

Agreement-Based Resolution is an alternative to the investigation and decision making procedures where the Parties each voluntarily agree to resolve the complaint in a way that does not include an investigation and does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. If Alfred University offers an Agreement-Based Resolution to the parties, and they voluntarily consent to engage in that process, the Title IX coordinator must still take other prompt and effective steps as needed to ensure that discrimination or harassment does not continue or recur within the education program or activity.

Any party may design the proposed agreement between the parties. The Title IX Coordinator must approve of the use of the Agreement-Based Resolution process and approve the final agreement between the parties. Agreement-Based Resolution may be initiated at any time prior to the release of the final determination. Because Agreement-Based Resolution does not involve an investigation, there is not any determination made as to whether a respondent violated this policy.

The Title IX Coordinator has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through an investigation and decision making process.

Prior to the initiation of Agreement-Based Resolution, the Title IX Coordinator will provide the Parties written notice that includes:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The requirements of the Agreement-Based resolution process;
- Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether Alfred University could disclose such information for use in a future Alfred University resolution process, including an investigation and resolution process arising from the same of different allegations, as may be appropriate.
- Notice that an agreement resulting from the Agreement-Based Resolution process is binding only on the parties and is not subject to appeal.
- Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations.
- A statement indicating that the decision to participate in the Agreement-Based Resolution process does not pressure that the conduct at issue has occurred.
- A statement that the respondent is presumed not responsible for violating this policy unless respondent admits to violations of this policy;
- An explanation that all parties may be accompanied by an advisor of their choice, who may be a parent, colleague, friend, or attorney
- A statement that any party has the right to withdraw from the Agreement-Based Resolution process and initiate or resume resolution procedures at any time before agreeing to a resolution;
- The date and time of the initial meeting with staff or the Title IX Coordinator, with a minimum of 3 days' notice;
- The potential terms that may be requested or offered in an Agreement-Based Resolution agreement.

If all parties are willing to explore Agreement-Based Resolution, the Title IX Coordinator or designee will then meet

separately with each party to discuss the Agreement-Based Resolution process and facilitate an agreement. If an agreement cannot be reached, either because the Parties do not agree, determine they no longer wish to participate in the Agreement-Based Resolution process, or the Title IX Coordinator or designee does not believe that the terms of the agreement or continuing the Agreement-Based Resolution process is appropriate, the Title IX Coordinator may decide that the reported conduct will instead be addressed through the investigation and decision making process. The Title IX Coordinator will inform the parties of such decision, in writing.

Agreement-Based Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against complainants or respondents generally or regarding the specific parties in the matter. The Title IX Coordinator may serve as the facilitator, subject to these restrictions. The investigator(s) or Decision-maker for the matter may not facilitate an Agreement-Based Resolution in that same matter.

Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

- An agreement that the respondent will change classes or housing assignments;
- An agreement that the Parties will not communicate or otherwise engage with one another;
- An agreement that the Parties will not contact one another;
- Completion of a training or educational project by the respondent;
- Completion of a community service project by the respondent;
- An agreement to engage in a restorative justice process or facilitated dialogue; and/or
- Discipline agreed upon by all parties.

In order to facilitate Agreement-Based Resolution, information shared by any party will not be used in any related resolution process of the same complaint under this policy. No evidence concerning the allegations obtained within the Agreement-Based Resolution process may be disseminated to any outside person, provided that any party to the Agreement-Based Resolution process may generally discuss the allegations under investigation with a parent, advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an Agreement-Based Resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The Agreement-Based Resolution process is generally expected to be completed within thirty (30) days and may be extended by the Title IX Coordinator as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension. Records of an Agreement-Based Resolution process can be shared with other offices as appropriate.

Any violations of the terms of the Resolution Agreement may result in disciplinary action.

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Investigation and Decision-making Process

The following describes the next steps in investigation and decision-making for matters that fall under this section of the policy. The investigator may serve as the Decision-maker.

An investigation process consists of five stages: written notice of investigation; evidence gathering; evidence review; final written determination; option to appeal.

Time Frames

Alfred University endeavors to investigate and reach a determination about all complaints under this policy within 90 business days. This may not always be possible, especially if there are multiple complaints and/or incidents involved and/or due to delays necessitated by Alfred University breaks or other reasons of unavailability. All parties to the process will be notified in writing if,

during the process, it becomes necessary to extend the time frame to allow for a fair and complete examination and resolution of the issues.

Notice of Investigation

Prior to the start of an investigation, the Parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding the location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties.

The Notice shall include, at a minimum:

1. Alfred University's investigation procedures, including the applicable determination procedure that will be used in this investigation and resolution, and a link to the relevant policies;
2. Information about the agreement-based resolution, with a link to the full procedures.
3. Sufficient information available at the time to allow the parties to respond to the allegations, including a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and, when known, the date(s) and location(s) of the alleged incident(s);
4. A statement that retaliation is prohibited;
5. Whether the investigator(s), or another individual, shall serve as the Decision-maker.
6. Expected length of the major stages of the resolution process, as well as any applicable deadlines.
7. The Notice will inform the parties that the investigator(s) will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses, evidence, and relevant questions to ask a party or witness. These deadlines may be extended by the Title IX Coordinator for good cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s).
8. The process for raising a challenge to the appointed investigator(s), Decision-maker, or Title IX Coordinator, and the deadline for doing so.
9. A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision-maker;
10. A statement that the parties may have an advisor of their choice who may be a friend, parent, therapist, colleague, or attorney;
11. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigation report that accurately summarizes this evidence.
12. Alfred University's Code of Conduct prohibits Abuse of the Conduct Process, which includes knowingly making false statements or knowingly submitting false information during the resolution procedures.
13. Whether the investigator is serving as the Decision-maker in the matter.

Individual Interviews

The investigator(s) will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the parties the names of relevant witnesses and relevant evidence. Only the investigator(s) and the party or witness may attend each individual interview. A party's advisor may attend these meetings, subject to the rules described above. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the resolution process, and may be subject to further University discipline for failure to do so.

The investigator(s) will then attempt to gather all relevant evidence from parties, witnesses, and other sources.

At the initial interview with each party, the investigator(s) will invite the parties to provide, in writing and in advance of the individual interviews, questions to ask of the parties and witnesses that are relevant and not otherwise permissible, including

questions exploring credibility. Upon receiving the question list, the investigator(s) will determine whether a proposed question is relevant and not otherwise impermissible and will explain, in writing in advance of the individual interview, any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The investigator(s) must give a party an opportunity to clarify or revise any question that the investigator has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, the question will be asked.

The investigator(s) will not permit questions that are unclear or harassing of any party or witness being questioned.

The University will share expectations of decorum to be observed at all times in any meeting or proceeding under this policy. These expectations are applied equally to all parties and advisors. The University has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable University rules.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at the University's discretion, with all participants joining virtually through a video conferencing option. The investigator will create summaries of interviews and those summaries will be shared during evidence review.

The investigator(s) will determine, in their sole discretion, whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to an interview. The investigator(s) may conduct follow-up interviews as they deem appropriate.

Investigator(s) Determination of Relevance

The investigator(s) will determine whether parties and witnesses are likely to provide relevant information about the allegations, and has the sole discretion to determine which parties and witnesses to call to individual follow-up meetings.

The investigator(s) will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence that is not relevant will not be considered. If the Decision-maker is not the investigator(s), the Decision-maker is not bound by the investigators' determinations about relevance.

Both the complainant and respondent shall have the right to exclude their own prior sexual history with persons other than the other party or their own mental health diagnosis and/or treatment from admittance in any disciplinary proceeding held under this policy. Past findings of responsibility for violation of this or other university policies may be considered for the purposes of determining the appropriate sanction after a finding of responsibility.

Evidence Review

At the conclusion of all fact-gathering, the investigator(s) will provide each party and their advisor the opportunity to review all relevant and not otherwise impermissible evidence gathered. In the event that an audio or audiovisual recording is shared, the recording will only be made available at an in-person and monitored meeting on campus, and will not otherwise be transmitted for review, so as to maintain the privacy of those participating in the process.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. Evidence not provided during the investigation process will not be considered by the Decision-maker. Given the sensitive nature of the information provided, Alfred University will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of five (5) business days to inspect and review the evidence and submit a written response in

writing to the investigator. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.

When deemed appropriate by the investigator(s), the investigator(s) shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence was submitted as part of evidence review, or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors. The parties shall have 5 days to provide a response to the newly gathered evidence. No new evidence will be accepted as part of any response, except that the investigator(s) shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence. The investigator(s) will consider the parties' written responses before finalizing the investigation report.

Parties will also be invited to submit to the Title IX Coordinator an impact statement that the Sanction Officer will review during any sanction determination.

Determination and Investigation Report

The investigator(s) may serve as the Decision-maker(s). The Decision-maker(s) shall evaluate the relevant and not impermissible evidence and make a factual determinations regarding each allegation.

The Decision-maker(s) may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not otherwise impermissible, or who was not available, despite reasonable diligence, for a follow-up interview. The Decision-maker(s) will not draw an inference about whether prohibited conduct occurred based solely on a party's or witness's refusal to respond to questions.

The Decision-maker(s) shall then determine, based upon the factual findings, whether a violation of university policy occurred using the preponderance of evidence (more likely than not) standard. The Decision-maker(s) shall prepare a report which shall include:

- A description of the prohibited conduct;
- A reference to all policies and procedures used to evaluate the allegations;
- Description of all procedural steps taken to date;
- The Decision-maker's evaluation of the relevant evidence along with the finding of facts;
- Determinations for each allegation, with the rationale;
- Sanction determination (if applicable);
- Whether remedies will be provided;
- The procedures for an appeal

This report shall be provided to the Title IX Coordinator. In the event that the Decision-maker has determined that a violation of university policy has occurred, the Title IX Coordinator shall then provide the report to the appropriate Sanctioning Officer to determine the sanction, if that individual did not serve as the Decisionmaker, and the Title IX Coordinator shall then determine the appropriate remedy(ies) for the Complainant and any impacted parties.

- Sanction Officer or Designee for Student Respondents: Dean of Student Experience
- Sanction Officer or Designee for Staff Respondents: Chief Human Resources Officer
- Sanction Officer or Designee for Faculty: Provost and Chief Operating Officer

The Title IX Coordinator shall then provide the parties and their advisors, if any, with a written Notice of Outcome and a copy of the Decision-maker's report. The Notice of Outcome shall include any disciplinary sanctions for the respondent, whether remedies will be provided, and the procedures for appeal. In addition, the complainant shall be informed of any remedies that apply to the complainant.

The Title IX Coordinator will provide each party, and their advisor, written communication regarding the decision, the sanction determination, and the procedures for appeal, along with a copy of the Investigation Report. The Title IX Coordinator will also

provide written communication to the Complainant regarding any appropriate remedies.

Appeals

Determinations made in the investigation and decision-making processes may be appealed in writing by either party. Appeals will be sent to the Title IX Coordinator, who will then send the appeal to the Appeals Officer assigned to conduct a written review of the appeal(s) and to make a final determination. Appeals must be in writing and filed within ten (10) business days following the issuance of the outcome letter.

When an appeal is filed, the other party shall be notified and provided with a copy of the filed appeal and have five (5) business days to respond to the appeal in writing. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

Within three (3) days of an Appeal Officer being assigned, either party may provide a written objection to the Appeal Officer on the basis of an actual bias or conflict of interest. Any objection is to be sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will appoint another Appeal Officer.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the institution's own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), decision-maker(s), or Sanction-officer had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- The sanction is too severe (appeal from the respondent) or the sanction is too lenient (appeal from the complainant).

The Appeal Officer will make a determination regarding the appeal and communicate that decision, along with a rationale for the decision to the Title IX Coordinator who will communicate the Appeal Officer's decision to the parties. The decision of the Appeals Officer is final.

Sanctions

The sanction(s) for a violation of this policy will be based on a consideration of all the circumstances, including the severity of the conduct and the respondent's disciplinary history. The sanction(s) imposed may be any one or more of the following:

Student:

day of service	educational modules
conduct probation/1 semester	expulsion
conduct probation/for the duration of active status	housing re-assignment

loss of privileges (housing) mandated counseling assessment
mandatory counseling/twice a month for 1 semester mandatory counseling/twice a month for 2 semesters mandatory
counseling/twice a month for 3 semesters mandatory counseling/twice a month for 4 semesters no contact order (keep-away)/1
semester
no contact order (keep-away)/for the duration of active status
residence hall probation/1 semester
residence hall probation/for the duration of active status
restrictions from designated areas of campus suspension/1 semester
suspension/2 semesters suspension/3 semesters suspension/4 semesters University probation/1

semester University probation/2 semester University probation/3 semester University probation/4 semester
University probation/for the duration of active status written warning

Students who are no longer matriculating: persona non-grata (ban from campus) for up to 10 years

Employee & Non-tenured Faculty: verbal warning-document filed written warning-document filed
final warning-suspension with pay/1 month final warning-suspension with pay/2month final warning-suspension with
pay/3 month final warning-suspension without pay/1 month final warning-suspension without pay/2month final warning-
suspension without pay/3 month restrictions from designated areas of campus/6 months
restrictions from designated areas of campus/12 months
restrictions from designated areas of campus/24 months
termination

Tenured/Tenure Track Faculty:
verbal warning-document filed written warning-document filed
restrictions from designated areas of campus/6 months
restrictions from designated areas of campus/12 months
restrictions from designated areas of campus/24 months
tenure revocation termination

Non-AU community members: persona non grata (ban from campus)
termination of contract/lawsuit for damage

For those crimes of violence that Alfred University is required by federal law to include in its Annual Security Report, the transcripts of students found responsible, if any, shall include the following notation:

- Withdrew with conduct charges pending, or
- Suspended after a finding of responsibility for a code of conduct violation, or
- Expelled after a finding of responsibility for a code of conduct violation.

Transcript notations for suspensions may be removed, upon request, at the discretion of Alfred University one (1) year after the conclusion of the suspension. A request to have a suspension notation removed from one's transcript should be submitted to the Title IX Coordinator who will consult with the appropriate Title IX Deputy Coordinator and representatives from Alfred University's Registrar office to determine whether removal of the notation is appropriate under the circumstances. Transcript notations for expulsion shall not be removed.

Students' Bill of Rights

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the conduct process and/or criminal justice process free from pressure by Alfred University.
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institutional representatives as practicable and not be required to unnecessarily repeat a description of the incident;

8. Be protected from retaliation by Alfred University, any student, the accused and/or the respondent, and/or their friends, family, and acquaintances within the jurisdiction of Alfred University;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of Alfred University.

Procedural Rights for All Reporting Individuals

Anyone reporting an incident of sexual assault, domestic or dating violence or stalking has the right to:

- A. Make a report to Alfred University's Office of Public Safety, local law enforcement and/or state police;
- B. Have emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual to provide information regarding:
 - i. options to proceed, including the right to make a report to Public Safety, local law enforcement, and/or state police or choose not to report; to report the incident to Alfred University; to be protected by Alfred University from retaliation for reporting an incident; and to receive assistance and resources from the University, as set out in this policy,
 - ii. where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
 - iii. detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
 - iv. whether such University official is authorized to offer the reporting individual confidentiality or privacy; and
 - v. the reporting individual's other reporting options.
- C. Disclose confidentially the incident to Alfred University representatives, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for reporting individuals;
- D. Disclose confidentially the incident and obtain services from the state or local government;
- E. Disclose the incident to Alfred University representatives who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals;
- F. File a report of sexual assault, domestic violence, dating violence, and/or stalking and the right to consult the Title IX Coordinator and other appropriate Alfred University representatives for information and assistance. Reports shall be investigated in accordance with Alfred University's policy and a reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy, subject to Alfred University's ability to meet its obligation to provide a safe, non-discriminatory environment for all members of the community;
- G. Disclose, if the accused is an employee of Alfred University, the incident to Alfred University's human resources representatives or the right to request that a confidential or private employee assist in reporting to the appropriate human resources representatives; and
- H. Receive assistance from appropriate Alfred University representatives in initiating legal proceedings in family court or civil court as provided in the University's policies.
- I. Withdraw a complaint or involvement from Alfred University's at any time.

Coordination of Policies

The procedures in this policy will be followed for all complaints covered by this policy, notwithstanding the provisions of otherwise applicable personnel and student life policies. In the discretion of the appropriate Title IX Deputy Coordinator, any alleged act of misconduct may be investigated and decided in conjunction with an

allegation of a violation of this policy (e.g., if a person is accused of sexual assault and also property damage in conjunction with the assault, the allegation of property damage may be adjudicated in accordance with this policy).

In the case of a tenured or tenured-track faculty member, if the proposed sanction under this policy is “termination of tenure” or “termination of employment”, then the applicable procedures in the Provisions of Faculty Appointment (8.5 of Faculty Handbook) will be followed, except that the factual findings and sanctions assigned at the conclusion of the appeal process by the Appellate Panel formed by this policy shall be accepted by the President for recommendations to the Executive Committee of the Board of Trustees.

Coordination Among Multiple Institutions

When such conduct involves students or employees from two or more institutions, such institutions may work collaboratively to address the conduct provided that such collaboration complies with the Family Educational Rights and Privacy Act.

Training

The Title IX Coordinator is responsible for ensuring that individuals who assist in implementing this policy receive appropriate annual training, and all the procedures and policies are followed.

Delegation of Authority

Any references in this policy to a specific title should be read to include “their designee”. Any person to whom this policy empowers to act may delegate their authority to any other appropriate Alfred University official. Delegation of authority may be necessary to avoid conflicts of interest or where time constraints or other obligations prevent an Alfred University official named in this policy from fulfilling their designated role.

Records

Records will be maintained confidentially and protected in accordance with legal requirements and Alfred University’s Records Retention Policy.

Policy Compliance

Any person with a concern about Alfred University’s handling of a particular matter should contact the Title IX Coordinator or a Title IX Deputy Coordinator.

The U.S. Department of Education, Office for Civil Rights (OCR) is a federal agency responsible for ensuring compliance with Title IX. OCR is located at 400 Maryland Avenue, SW, Washington, DC 20202-1100, and can be contacted at (800) 421-3481.

Crime and Incident Disclosure Obligations

The Clery Act is a federal crime and incident disclosure law. It requires, among other things, that Alfred University report the number of incidents of certain crimes, including some of the Prohibited Conduct in this policy, that occur in particular campus-related locations. The Clery Act also requires Alfred University to issue a warning to the community in certain circumstances.

In the statistical disclosures and warnings to the community, Alfred University will ensure that a complainant’s name and other identifying information is not disclosed. The Title IX Coordinator will refer information to the Clery Officer or to the official or office designated by Alfred University to collect crime information when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications

Revision of the Policy and Procedures

Alfred University reserves the right to make changes to the Policy as necessary. Once changes are posted online,

they are in effect. During the resolution process, the Title IX Coordinator (or designee) may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party.

The Title IX Coordinator (or designee) may also vary procedures materially with notice (on the University's website with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in the Policy and procedures.

If government laws or regulations change or court decisions alter the requirements in a way that impacts this document, the document will be construed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws that frame such policies and codes generally.