

UNDERSTANDING THE GENDER-BASED DISCRIMINATION PROCESS AT MARIETTA COLLEGE

- 1) **ALLEGED GENDER-BASED DISCRIMINATION OCCURS:**
 - a) **SEXUAL HARASSMENT:** unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's educational programs, employment, and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.
 - b) **NON-CONSENSUAL SEXUAL CONTACT (OR ATTEMPTS AT SAME):** any intentional sexual touching, however slight, with any object, by any person upon another person, that is without consent and/or by force.
 - c) **NON-CONSENSUAL SEXUAL INTERCOURSE (OR ATTEMPTS AT SAME):** any sexual intercourse, however slight, with any object, by any person upon another person, that is without consent and/or by force.
 - d) **SEXUAL EXPLOITATION:** Examples include, but are not limited to, invasion of sexual privacy; prostituting another person; non-consensual video or audio-taping of sexual activity; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex); engaging in voyeurism; knowingly transmitting an STI or HIV to another student; exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals; sexually-based stalking and/or bullying (including cyberstalking and/or cyberbullying)
- 2) **KNOWLEDGE OF ALLEGED DISCRIMINATION IS SHARED WITH AN EMPLOYEE OF MARIETTA COLLEGE:**
 - a) **THAT KNOWLEDGE CAN BE SHARED BY THE PERSON WHO DIRECTLY EXPERIENCED THE ALLEGED DISCRIMINATION, OR IT CAN BE SHARED BY A THIRD PARTY**
 - b) **THAT KNOWLEDGE CAN BE SHARED WITH A CONFIDENTIAL RESOURCE, OR IT CAN BE SHARED WITH A NON-CONFIDENTIAL RESOURCE**
- 3) **KNOWLEDGE SHARED WITH A NON-CONFIDENTIAL RESOURCE MUST BE REPORTED TO A TITLE IX OFFICER (COORDINATOR OR DEPUTY COORDINATOR)**
- 4) **THE TITLE IX OFFICER ENGAGES WITH THE PERSON ALLEGED TO HAVE EXPERIENCED DISCRIMINATION PROHIBITED UNDER TITLE IX AND/OR COLLEGE POLICY (THIS INDIVIDUAL IS REFERRED TO AS THE REPORTING PARTY)**

- a) THE **REPORTING PARTY** CHOOSES NOT TO SHARE ANY INFORMATION RELATED TO THE ALLEGED DISCRIMINATION → NO ACTION CAN BE TAKEN BY THE COLLEGE
 - b) THE **REPORTING PARTY** CONFIRMS THAT THE ALLEGED DISCRIMINATION OCCURRED BUT DOES NOT WISH TO PURSUE RESOLUTION → THE COLLEGE CANNOT PURSUE ANY RESOLUTION IN WHICH THE REPORTING PARTY AGREES TO BE NAMED AS THE REPORTING PARTY, BUT MAY DETERMINE THAT THE COLLEGE NEEDS TO PURSUE RESOLUTION WITH THE **RESPONDING PARTY**, IN THE INTEREST OF PROTECTING THE CAMPUS COMMUNITY, EVEN IN THE ABSENCE OF PARTICIPATION FROM THE REPORTING PARTY. THE COLLEGE CAN ALSO PROVIDE **SUPPORTIVE MEASURES** TO THE REPORTING PARTY, EVEN IN THE ABSENCE OF ACTION WITH THE RESPONDING PARTY.
 - c) THE **REPORTING PARTY** CONFIRMS THAT THE ALLEGED DISCRIMINATION OCCURRED BUT **DOES NOT WISH TO PURSUE A FORMAL COMPLAINT** → **INFORMAL RESOLUTION** OPTIONS ARE AVAILABLE (adjusting class schedules, making changes to housing assignments, etc., but no type of sanctioning because no determination of responsibility is being rendered). FOR **INFORMAL RESOLUTION**, REPORTING PARTY MUST AGREE TO BE NAMED AND TO PARTICIPATE IN REACHING AN INFORMAL RESOLUTION AGREEMENT WITH THE RESPONDING PARTY. **INFORMAL RESOLUTION IS NOT AN OPTION** WHEN REPORTING PARTY IS A STUDENT AND RESPONDING PARTY IS AN EMPLOYEE OF THE COLLEGE.
 - d) THE **REPORTING PARTY** CONFIRMS THAT THE ALLEGED DISCRIMINATION OCCURRED, BELIEVES THAT IT MAY CONSTITUTE GENDER-BASED DISCRIMINATION UNDER TITLE IX AND COLLEGE POLICY, AND **WISHES TO PURSUE A FORMAL COMPLAINT** → BIG 'I' INVESTIGATION LEADING TO A FORMAL RESOLUTION OF THE COMPLAINT
- 5) **BIG 'I' INVESTIGATION** AND THE **FORMAL RESOLUTION** PROCESS
- a) OUTSIDE INDEPENDENT **INVESTIGATOR** CONDUCTS FORMAL INVESTIGATION AND PROVIDES INVESTIGATION REPORT TO TITLE IX OFFICER
 - b) TITLE IX OFFICER APPOINTS **HEARING PANEL**, AND CHAIR OF THAT PANEL FACILITATES A LIVE HEARING PROCESS.
 - c) HEARING PANEL RENDERS A FINDING IN THE MATTER AND COMMUNICATES THAT FINDING TO TITLE IX OFFICER, WHO SHARES THAT FINDING WITH BOTH THE REPORTING PARTY AND THE RESPONDING PARTY. IF THERE IS A FINDING OF RESPONSIBILITY, BOTH PARTIES ARE PERMITTED TO MAKE A WRITTEN

STATEMENT TO THE HEARING PANEL BEFORE THEY IMPOSE ANY SANCTIONS. ANY **RESULTING SANCTIONS** ARE THEN COMMUNICATED TO THE TITLE IX OFFICER, WHO IN TURN COMMUNICATES THOSE SANCTIONS TO BOTH THE REPORTING PARTY AND THE RESPONDING PARTY.

- d) EITHER PARTY MAY **APEAL THE FINDING** OF RESPONSIBILITY OR NON-RESPONSIBILITY **AND/OR** ANY **SANCTION** IMPOSED, ON APPROPRIATE AND NARROWLY DEFINED GROUNDS. ANY SUCH APPEAL WILL BE SUBMITTED TO AN APPEAL PANEL APPOINTED BY THE TITLE IX OFFICER, AND APPROPRIATE ACTION WILL BE DETERMINED BY THE APPEAL PANEL AND COMMUNICATED TO THE TITLE IX OFFICER FOR COMMUNICATION TO THE REPORTING PARTY AND THE RESPONDING PARTY. APPROPRIATE ACTION MAY INVOLVE RETURNING THE MATTER TO THE INVESTIGATOR FOR ADDITIONAL INVESTIGATION OR TO THE HEARING PANEL FOR ADDITIONAL ACTION. IF AN APPEAL REQUEST IS DENIED BY THE APPEAL PANEL, THAT DECISION IS FINAL.

EVERY INVESTIGATION AND RESOLUTION OF A FORMAL GENDER-BASED DISCRIMINATION COMPLAINT MUST BE HANDLED IN A MANNER THAT IS **TIMELY, THOROUGH, AND **EQUITABLE**.**

A **REPORTING PARTY MAY CHOOSE TO MOVE FORWARD WITH A **FORMAL GENDER-BASED DISCRIMINATION COMPLAINT** AT **ANY POINT IN TIME**, EVEN IF PREVIOUSLY THAT PERSON OPTED NOT TO PURSUE A FORMAL COMPLAINT.**