

**Graham Hospital School of Nursing**  
**Sex Discrimination and Sexual Misconduct Policy (Title IX)**

**Applicable Federal and State Law**

Graham Hospital School of Nursing adheres to all federal and state civil rights laws and regulations prohibiting discrimination in institutions of higher education. These include Title IX of the *Education Amendments of 1972* (“Title IX”), the *Violence Against Women Reauthorization Act of 2013* (“VAWA”), the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (“Clery Act”), and the *Illinois Preventing Sexual Violence in Higher Education Act*. Title VII of the *Civil Rights Act of 1964* and the *Illinois Human Rights Act* are two other laws that also prohibit sex discrimination.

Title IX is a federal law that prohibits discrimination on the basis of sex in federally funded education programs and activities. Under final Title IX regulations, effective August 14, 2020, discrimination on the basis of sex can include sexual harassment, including sexual assault, dating violence, domestic violence, and stalking.

**Notice of Nondiscrimination**

Graham Hospital School of Nursing does not discriminate on the basis of sex in the education program or activity that it operates. The School is required by Title IX not to discriminate in such a manner. The requirement not to discriminate in the education program or activity extends to employment and admission. Inquiries about the application of Title IX and its implementing regulations may be referred to the Title IX Coordinator, the United States Department of Education’s Office for Civil Rights, or both (see below).

**Title IX Coordinator**

Pam Ritter, M.S. Ed.

Coordinator of Recruitment, Admissions, and Financial Aid

Graham Hospital School of Nursing, Room 366

210 W. Walnut St., Canton IL 61520

(309) 647-5240 ext. 2347

[pritter@grahamhospital.org](mailto:pritter@grahamhospital.org)

[TitleIXCoordinator@grahamhospital.org](mailto:TitleIXCoordinator@grahamhospital.org)

Any person, including third-party bystanders, may file a verbal or written report of sex discrimination or sexual harassment to the Title IX Coordinator at any time, including during non-business hours. She will respond within 12 hours of receipt of the report.

Office for Civil Rights, Chicago Office

U.S. Department of Education

Citigroup Center

500 W. Madison St. Ste. 1475, Chicago IL 60661-4544

(312) 730-1560

[OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

## **Policy on Nondiscrimination**

Graham Hospital School of Nursing (“School”) strives to provide an educational and working environment that is free from all forms of sex-based discrimination, harassment, and retaliation for faculty, staff, and students. Students and employees are responsible for maintaining such an educational environment and complying with all policies.

Individuals found to have engaged in prohibited misconduct on the basis of sex will be subject to disciplinary action, up to and including termination and/or expulsion from the School.

Furthermore, it is Graham Hospital School of Nursing policy not to discriminate, or tolerate discrimination on the basis of race, religion, color, sex, national origin, ancestry, disability, age, military service, marital status, sexual orientation, pregnancy or other factors as prohibited by law. We are committed to providing an environment that values diversity and emphasizes the dignity and worth of every individual, an environment in which every individual is treated with respect. Discrimination and harassment in any form are contrary to these goals and fundamentally at odds with the core values of Graham Hospital School of Nursing.

Faculty, staff, and student employees are also subject to the Graham Hospital policy on harassment in the workplace (Title VII and *Illinois Human Rights Act*).

### **Scope**

Graham Hospital School of Nursing’s Sex Discrimination and Sexual Misconduct Policy (“Policy”) and these implementing Procedures (“Procedures”) apply to students, staff, administrators, and faculty members, regardless of sexual orientation or gender identity, whenever the misconduct occurs:

1. On School property or
2. Off School property if:
  - a. The conduct was in connection with a School or School-recognized program or activity; or
  - b. The conduct may have the effect of creating a hostile environment for a member of the School community.

### **Implementing Procedures**

The School will establish, maintain, and publish Procedures implementing this Policy, which set forth:

- The scope and jurisdiction of the School’s prohibition on sex-based misconduct;
- Definitions of prohibited conduct;
- Responsibilities of and contact information for the School’s Title IX Coordinator and Graham Hospital’s Director of Human Resources;
- Options for assistance following an incident of sex-based discrimination, harassment, or other misconduct;

- Procedures for reporting and confidentially disclosing alleged sex-based misconduct;
- The School’s response to reports of alleged sex-based misconduct;
- The School’s grievance process for complaints alleging Title IX sexual harassment and/or alleging sexual violence, domestic violence, dating violence, or stalking;
- Prevention and education programming provided to School students; and
- Training and education provided to the Title IX Coordinator, and anyone else involved in the receipt of reports of, responding to, investigating or adjudicating alleged incidents of sexual discrimination, harassment, or other misconduct, or involved in the referral or provision of services to survivors.

### **Definition of Sexual Harassment**

The Title IX Final Rule defines sexual harassment as conduct on the basis of sex that satisfies one or more of the following, all of which jeopardize the equal access to education that Title IX is designed to protect: (1) An employee of Graham Hospital School of Nursing conditioning the provision of an aid, benefit, or service of the School on an individual’s participation in unwelcome sexual conduct (“Quid Pro Quo”); (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School’s program or activity; or (3) “sexual assault” (as defined in the Clery Act), “dating violence,” “domestic violence,” or “stalking” as defined in the *Violence Against Women Act* (VAWA).

*Sexual assault* as defined in the Clery Act means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. A sex offense is any sexual act directed against another person, without that person’s consent, including acts in which the person is incapable of giving consent, or in a familial relationship of a degree that would prohibit marriage. Examples include forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, incest, and statutory rape.

*Dating violence* means violence committed by a person— (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

*Domestic Violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

*Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

## Reporting Sex Discrimination or Sexual Harassment

Any person, including third-party bystanders, may in good faith report sex discrimination, sexual harassment, or retaliation (whether or not the person reporting is the alleged victim), using one of the following options:

1. **File a complaint with, or give verbal notice to, the Title IX Coordinator.** Such a report may be made at any time (including during non-business hours) in person or by telephone, email, or mail, using the contact information listed above. The Coordinator will respond to the reporter within 12 hours.
2. **Use the electronic anonymous reporting form** posted at [http://www.grahamschoolofnursing.org/current\\_students\\_and\\_faculty/title\\_ix](http://www.grahamschoolofnursing.org/current_students_and_faculty/title_ix).
3. **Report to a Responsible Employee**, who must report the alleged incident of sex-based misconduct, including names of all involved individuals, to the Title IX Coordinator. The following are the School's Responsible Employees: Director and Student Senate Advisor. A report to a Responsible Employee is not confidential.
4. **Call Graham Hospital Security** at (309) 647-5240 ext. 4444.
5. **Call 911 or the Canton Police Department** at (309) 647-5131 in an emergency.

Reporting carries no obligation to initiate a formal response. Individuals who feel they have experienced sexual assault, dating violence, domestic violence, or stalking have the option to pursue a Title IX complaint with Graham Hospital School of Nursing, to pursue a criminal complaint with the appropriate law enforcement agency, or to pursue both, either concurrently or consecutively. Likewise, they also have the right not to pursue any complaint either to the School or to a law enforcement agency.

The School will keep confidential the identity of any individual who has made a report or complaint of sex discrimination or sexual harassment, any complainant, any individual reported to be the perpetrator of sexual misconduct, any respondent, and any witness, except as permitted by FERPA or as required by law, or if the School determines that the alleged perpetrator poses a serious and immediate threat to health and/or safety of the School community.

A person who knowingly makes a false report of sex-based misconduct may be subject to disciplinary action, up to and including suspension, expulsion, or termination.

### Non-Retaliation

It is a violation of this Policy to retaliate in any way against any person because they have, in good faith, opposed any practices forbidden under this Policy or have filed a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation or grievance process under this Policy and Procedure. This includes intimidating, threatening, coercing, harassing, or discriminating against that person.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Graham Hospital School of Nursing is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation and may pursue disciplinary action as appropriate for individuals engaged in retaliation.

### **Administration of Policy**

#### **Title IX Coordinator**

Pam Ritter, M.S. Ed.

Coordinator of Recruitment, Admissions, and Financial Aid

Graham Hospital School of Nursing, Room 366

210 W. Walnut St., Canton IL 61520

(309) 647-5240 ext. 2347

[TitleIXCoordinator@grahamhospital.org](mailto:TitleIXCoordinator@grahamhospital.org)

Responsibilities of the Title IX Coordinator include, but are not limited to:

- Overseeing the School's response to all Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports or complaints.
- Being informed of all reports and complaints raising Title IX issues, including those initially filed with another individual or office or if the investigation will be conducted by another individual or office.
- Conducting and/or assigning Title IX investigations, including the investigation of facts relative to a complaint.
  - With respect to Title IX complaints that relate to a School employee as the complainant or as the respondent, the Title IX Coordinator will partner with the Director of Human Resources to manage the investigation into the allegations and recommend any appropriate sanctions against an employee.
  - The Title IX Coordinator must not be the decision-maker for a determination of responsibility in response to a formal Title IX complaint of sexual harassment.
- Coordinating any appropriate supportive measures and ensuring the effective implementation of any remedies.
- Ensuring that appropriate policies and procedures are in place for working with law enforcement and coordinating services with local victim advocacy organizations and services providers, including rape crisis centers.
- Ensuring that adequate training is provided to students, faculty, and staff on Title IX issues.
- Promoting an educational and employment environment which is free of sex discrimination and gender bias.

#### **Director of Human Resources**

Melanie Ewalt

Graham Health System

210 W. Walnut St., Canton IL 61520

(309) 647-5240 ext. 2303

[mewalt@grahamhospital.org](mailto:mewalt@grahamhospital.org)

The Director of Human Resources will partner with the Title IX Coordinator with respect to any complaints of sex-based misconduct that involve a School employee as the complainant or as the respondent. For any such complaints that involve a School employee as the respondent and fall outside the scope of Title IX, the Director of Human Resources will manage the investigation into the allegations and issue a decision and any appropriate sanction(s).

### **Confidential Resources for Assistance**

The following counselors and advocates can provide an immediate confidential response in a crisis situation, as well as ongoing assistance and support:

#### **Confidential Advisor** (Spoon River College students)

Andrea White  
Advisor/Disability Services & Probation  
Spoon River College  
23235 N. County Hwy 22, Canton IL 61520  
(309) 649-6305  
[Andrea.White@src.edu](mailto:Andrea.White@src.edu)

National Domestic Violence Hotline: (800) 799-SAFE (7233) [www.thehotline.org](http://www.thehotline.org)

National Sexual Assault Hotline RAINN: (800) 656-HOPE (4673) [www.rainn.org](http://www.rainn.org)

Illinois Coalition Against Sexual Assault: (217) 753-4117 [www.icasa.org](http://www.icasa.org)

Illinois Sexual Harassment & Discrimination Helpline: (877) 236-7703 (M-F 8:30-5:00)

Fulton Mason Crisis Service: (309) 647-8311

Fulton County Sexual Assault Services: (309) 333-1934

Western Illinois Regional Council – Community Action Agency Victim Services:  
Hotline: (309) 837-5555 <http://wirpc.org/>

Graham Hospital: Medical treatment; preservation of physical evidence of sexual assault.  
(309) 647-5240

### **School Response**

Notice to the Title IX Coordinator, or other official with authority to take corrective measures, charges a school with **actual knowledge** of sex-based discrimination, sexual harassment, or other sex-based misconduct, or allegations of these in its education program or activity and triggers Graham Hospital School of Nursing's obligation to respond.

Graham Hospital School of Nursing will investigate every informal or formal notice or complaint of violation of its Sex Discrimination and Sexual Misconduct Policy that is received by the Title IX Coordinator in accordance with the Procedures set forth below.

These Procedures govern sex-based misconduct in various forms, many of which may trigger legal obligations under one or more state and federal laws. In no case does the inapplicability of a particular law require the School not to address an act of misconduct falling within the scope of these Procedures.

## **1. Notice/Report**

Within 12 hours of receipt of notice or a report of an alleged violation of the Policy to the Title IX Coordinator, the Coordinator will contact the alleged victim in confidence with at least one of three responses:

1. Offer supportive measures when the victim does not wish to proceed formally,
2. An informal resolution, and/or
3. A Formal Grievance Process including an investigation and a hearing.

The investigation and grievance process will determine whether or not the Policy has been violated. If so, Graham Hospital School of Nursing will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

## **2. Report Processing**

Within five (5) business days following receipt of notice or a complaint, the Title IX Coordinator will:

- Inform the alleged victim (hereinafter “complainant”) of their right to request supportive measures, whether that person decides to file a formal complaint or not;
- Inform the complainant of their right to have an advisor;
- Explain that the complainant has an option to file a formal complaint, which can be filed by the complainant or signed by the Title IX Coordinator, except when the Coordinator is a party to the complaint;
- Explain that the complainant has a right to dismiss a formal complaint unless there is a compelling and immediate threat to physical health and/or safety;
- Notify the individual reported to be the perpetrator of sexual harassment (hereinafter, “respondent”), if a formal complaint is made, and inform them of their right to request supportive measures;
- Offer informal resolution of the complaint, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent, except when an employee is alleged to have sexually harassed a student;
- Initiate a formal investigation and grievance process, and provide a report to the Title IX Hearing Committee (Graham Hospital School of Nursing Non-Academic Grievance Committee); and
- Dismiss the allegations in a formal complaint if they do not meet the definition of sexual harassment or did not occur in the School’s education program or activity.

### **3. Supportive Measures**

Supportive measures (also referred to as “interim protective measures”) are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a complainant or respondent, irrespective of whether a formal complaint has been filed.

Examples of supportive measures that the School may offer include, but are not limited to:

- Counseling and mental health support;
- Extensions of deadlines or other course-related adjustments;
- Leaves of absence;
- Changes to academic, living, and/or working schedules or situations;
- Increased security and monitoring of certain areas of campus;
- Issuance and enforcement of mutual campus No Contact Orders; and
- Enforcement of an order of protection or No Contact Order entered by a state civil or criminal court.

A report of alleged sex-based misconduct may also prompt the School to consider broader remedial action, such as increased education and prevention efforts or revisions to the School’s policies and practices. The Title IX Coordinator is responsible for coordinating the School’s implementation of supportive measures.

### **4. Emergency Removals and/or Administrative Leave**

The Title IX Coordinator may determine that emergency removal of a respondent from its education program or activity is necessary if that person poses an immediate threat to physical health and/or safety of any student or other individual. In addition, the School may place an employee on administrative pending the Grievance Process in response to a formal complaint.

### **5. Timely Warnings**

Pursuant to the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (“Clery Act”), 20 U.S.C. § 1092(f), the School will issue timely warnings to the campus community about crimes that have already occurred but may continue to pose a serious or ongoing threat to students and employees. The Clery Act also requires the School to maintain a public crime log and publish an Annual Security Report (“ASR”) available to all current students and employees. The ASR documents three calendar years of select campus crime statistics (including statistics regarding incidents of dating violence, domestic violence, and stalking), security policies and procedures, and information on the basic rights guaranteed to victims of sexual assault.



## **Formal Grievance Process Procedures**

For purposes of this Grievance Process, a formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging qualifying allegations of Title IX sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) that occur in an education program or activity controlled by Graham Hospital School of Nursing, involving a complainant and respondent participating or attempting to participate in the School's education programs or activities, either as a student or an employee.

Absent a willing and able complainant, the Title IX Coordinator may determine that a formal complaint should be pursued due to a compelling threat to health and/or safety.

The Title IX Coordinator may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, the complainant notifies the Coordinator in writing that the complainant wishes to withdraw the formal complaint or allegations therein.

If the Title IX Coordinator determines that the complaint is outside the scope of Title IX, the complaint may be dismissed; however, the allegations may instead be addressed under Graham Hospital School of Nursing's Code of Conduct or other appropriate policies elaborated in the student, faculty, and employee handbooks. The Coordinator will refer the matter for resolution to the Graham Hospital School of Nursing Director and/or the appropriate School committee.

### **1. Notice of Allegations**

Within ten (10) business days after signing a formal complaint or receiving a formal complaint filed by a complainant, the Title IX Coordinator will provide written notice to the known parties of the following:

- a. This Grievance Process, including the informal resolution process, where applicable.
- b. The allegations potentially constituting sexual harassment under Title IX and/or sexual violence, domestic violence, dating violence, or stalking including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.
- c. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- d. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
- e. That the parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the School does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from a party or other source.

- f. The provision in this Policy that prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

## **2. Informal Resolution**

At any time after receiving the initial notice of allegations, and prior to a determination regarding responsibility being reached, the complainant and respondent may request to participate in an informal resolution process such as mediation, restorative justice, etc. Informal resolution will only occur with both parties' voluntary, written consent. At any time prior to agreeing to a resolution, any party will have the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

The Title IX Coordinator or designee (i.e., Graham Hospital School of Nursing Director, Director of Human Resources), with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the School. Negotiated resolutions are not appealable.

The School does not permit informal resolution in cases involving alleged sexual harassment by a School employee toward a student.

## **3. Investigation of Formal Complaint**

The Title IX Coordinator will undertake an investigation into a formal complaint, which may take 60 business days. Throughout the investigation, the parties will be afforded an equal opportunity to present witnesses including fact and expert witnesses, and other inculpatory and exculpatory evidence. The Coordinator will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. Any proceeding, meeting, or hearing held to resolve formal complaints pursuant to this Grievance Process will protect the privacy of the participating parties and witnesses.

Both parties will be afforded an opportunity to be accompanied to any meeting or proceeding by an advisor of their choice, who may be, but is not required to be, an attorney. The advisor's role is limited to providing support, guidance, and/or advice, and to conducting cross-examination during the live hearing. A party's advisor may not speak on behalf of the party during any meeting, interview, or hearing and must comply with all behavioral rules and expectations set forth in these Procedures. If a party's advisor violates these Procedures or engages in behavior that harasses, abuses, or intimidates a party, witness, or individual resolving a complaint, that advisor may be prohibited from further participation.

When a party's participation is invited or expected at an investigative interview or other meeting, the Title IX Coordinator will provide that party with written notice of the date, time, location, participants, and purpose of said interview or meeting at least five (5) business days prior to the interview or meeting.

At the conclusion of the investigation, and prior to the completion of her investigative report, the Title IX Coordinator will send to each party (and the party's advisor, if any) the evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, in hard copy. The parties will have ten (10) business days to submit a written response to the evidence, which the Coordinator will consider prior to completion of her investigative report. Upon completion of the report, the Coordinator will schedule a hearing. At least ten (10) business days prior to the hearing, the Coordinator will:

- a. Provide both parties with written notice of the hearing date, time, location participants, and purpose of the hearing; and
- b. Send to each party (and the party's advisor, if any) the investigative report in hard copy for their review and written response.

#### **4. Live Hearings**

A hearing will be conducted by a hearing officer/decision-maker (the Graham Hospital School of Nursing Director), except when the Director is a party to the complaint, and the Title IX Hearing Committee (the Graham Hospital School of Nursing Non-Academic Grievance Committee).

At the request of either party, the School will arrange for the live hearing to occur with the parties located in separate rooms, with technology enabling the hearing officer and parties to simultaneously see and hear the party or witness answering questions. A party wishing to request such an arrangement must contact the Title IX Coordinator to request such an arrangement at least five (5) business days in advance of the hearing. The School may conduct any live hearing virtually, with the participants in one or more separate geographical locations, and with technology enabling participants simultaneously to see and hear each other.

At the live hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination will be conducted directly, orally, and in real time by the party's advisor of choice and may never be conducted by a party personally.

If a party does not have an advisor who is available to conduct cross-examination on behalf of that party at the live hearing, then Graham Hospital School of Nursing will provide the party with an advisor of the School's choice, free of charge, to conduct cross-examination on behalf of that party. To invoke this right, the party must notify the Title IX Coordinator at least three (3) business days in advance of the hearing or will waive the right to request that an advisor be appointed.

Only relevant questions, as determined by the hearing officer, may be asked of a party or witness. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant and will not be permitted, except where:

- a. The questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or
- b. The questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, either due to absence from the hearing or due to the party's or witness's refusal to answer cross-examination or other questions, the hearing officer will not rely on any statement of that party or witness in reaching a determination regarding responsibility; however, the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

The School will make all evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint available for the parties' inspection and review during the hearing. In addition, the School will create an audio or audiovisual recording or transcript of the live hearing, which the Title IX Coordinator will make available to the parties for inspection and review upon request.

## **5. Determination of Responsibility**

Within ten (10) business days of the conclusion of the live hearing, the hearing officer will make a decision regarding responsibility. The hearing officer will apply a preponderance of the evidence standard when determining responsibility. The hearing officer will issue a written determination to both parties simultaneously. The written determination will include:

- a. Identification of the allegations potentially constituting sexual harassment and/or sexual violence, domestic violence, dating violence, or stalking as defined above;
- b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. Findings of fact supporting the determination;
- d. Conclusions regarding the application of the Graham Hospital School of Nursing Code of Conduct or other conduct standards to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School's education program or activity will be provided by the School to the complainant; and
- f. The procedures and permissible bases for the complainant and respondent to appeal.

## **6. Appeals**

Both parties will have the right to appeal any determination regarding responsibility, and any dismissal of a formal complaint or allegations therein, to the Graham Hospital Vice President of Quality or designee. An appeal must be based on one or more of the following grounds:

- a. A procedural irregularity occurred;
- b. New evidence or information exists that could affect the outcome of the matter;
- c. The Title IX Coordinator or hearing officer had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome of the matter; and/or
- d. The sanction is disproportionate with the violation.

A party who wishes to appeal a determination regarding responsibility or a dismissal of a formal complaint or allegations therein must submit a written appeal request to the Title IX Coordinator within five (5) business days of the party's receipt of the written determination or written dismissal notice. The written appeal request must identify the ground(s) on which the party seeks to appeal the determination or dismissal.

Within five (5) business days of the Title IX Coordinator's receipt of an appeal request, the Title IX Coordinator will forward the appeal request to the Graham Hospital Vice President of Quality or designee and will notify the other party in writing that an appeal has been filed. Before reaching a determination regarding the appeal, the Vice President or designee will afford both parties an equal opportunity to submit a statement in support of, or challenging, the determination or responsibility or dismissal that is the subject of the appeal. Within ten (10) business days after the Vice President or designee has concluded his/her review of the appeal, the Vice President or designee will issue a written decision simultaneously to both parties, describing the outcome of the appeal and the rationale for the outcome. The Vice President or designee's decision is final.

## **7. Sanctions**

If a determination of responsibility is found, the decision-maker will implement one or more sanction or responsive action as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to submit an appeal.

Factors in the decision may include the seriousness of the offense, the respondent's disciplinary history, or previous allegations or allegations involving similar conduct.

Sanctions/responsive actions may include but are not limited to: verbal warning, written warning, required training or education, required counseling or therapy, performance improvement/management process, probation, removal from leadership position, campus access restrictions, disciplinary dismissal (suspension or expulsion/termination), and revocation of offer of admission or employment.

## **Prevention and Education for Students**

Graham Hospital School of Nursing will review at least annually its sexual discrimination, harassment, and misconduct prevention and education programming to ensure students and employees are provided substantive opportunities to learn about sexual discrimination, harassment, and misconduct, including primary prevention, bystander intervention, risk reduction, consent, reporting methods, relevant College policies and procedures, retaliation, survivor-centered and trauma-informed response, relevant definitions, and other pertinent topics.

### **Training**

The Title IX Coordinator and anyone else involved in the receipt of reports of, responding to, investigating, or adjudicating alleged incidents of sexual discrimination, harassment, or other misconduct, or involved in the referral or provision of services to survivors receive annual education and training on primary prevention, bystander intervention, risk reduction, consent, reporting obligations, investigation procedures, confidentiality requirements, relevant Graham Hospital School of Nursing policies and procedures, retaliation, survivor-centered and trauma-informed response, relevant definitions, and other pertinent topics.

In addition to the above training, individuals who investigate or resolve complaints, including through informal resolutions, receive at least 8-10 hours of annual training on issues related to Preventing Sexual Violence in Higher Education Act offenses including sexual violence, domestic violence, dating violence, and stalking; the scope of the School's education program or activity; the Title IX definition of sexual harassment; how to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias; and how to conduct the School's Formal Grievance Process outlined above. Decision-makers in particular receive training on any technology to be used at live hearings and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators in particular receive training on issues of relevance so as to enable them to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment. Training materials will be posted to the Title IX section of the Graham Hospital School of Nursing web site, [grahamschoolofnursing.org](http://grahamschoolofnursing.org).

### **Recordkeeping**

Graham Hospital School of Nursing will create and maintain for a period of seven years records of each sex discrimination or sexual misconduct investigation, including any recordings or transcripts; any disciplinary sanctions imposed on the respondent or remedies provided to the complainant; any appeal and the results of the appeal; informal resolution, if any, and the results of the informal resolution; and the materials used to train the Title IX Coordinator, investigator, decision-makers, and facilitators of informal resolutions.

Created: 8/14/20  
Approved: 10/26/20