



SEXUAL MISCONDUCT POLICY FOR SALEM COLLEGE STUDENTS

I. STATEMENT OF COLLEGE STUDENT SEXUAL MISCONDUCT POLICY

Salem reaffirms its belief that the quest for knowledge can only flourish in an atmosphere free from sexual misconduct, and is committed to providing a safe learning, living, and working environment for all members of the Salem community. This policy prohibits specific behaviors that violate Title IX of the Education Amendments of 1972 (“Title IX”), and Title VII of the Civil Rights Act of 1964 (“Title VII”), and requires Salem College to fulfill certain obligations under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”).

Salem does not tolerate sexual misconduct, including but not limited to, sexual harassment, sexual assault, domestic violence, dating violence, and stalking. All forms of sexual misconduct are acts of aggression, are therefore prohibited, and Salem will take all necessary action to prevent such behavior. It is the responsibility of every member of the Salem community to foster an environment free of sexual misconduct. All members of the Salem community are encouraged to take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Salem College will support and assist community members who take such actions.

Salem will take immediate action to eliminate sexual misconduct, prevent its recurrence, and address its effects. Anyone can be a perpetrator or victim of sexual misconduct, and therefore the policy is gender neutral. Anyone alleged to have violated this policy is subject to a Title IX investigation. Depending on the results of the investigation, someone in violation of this policy may be subject to an administrative hearing.

Salem College students should report suspected sexual misconduct to the Title IX Coordinator, Erin Jones Adams, Associate Vice President for Administration, at (336) 721-2702 or erin.adams@salem.edu. The Title IX Office is located on the second level of the Inspector’s House, at the corner of Church Street and Academy Street on the Salem College campus. In the event the Title IX Coordinator is unavailable, students may contact the Deputy Title IX Coordinator, Cheryl Hamilton, Payroll and Benefits Manager, at (336) 917-5329 or cheryl.hamilton@salem.edu.

II. SCOPE: TO WHOM AND WHEN THIS POLICY APPLIES

This policy applies to all Salem College students. Students should use this policy to report sexual misconduct violations by anyone on campus, including faculty, staff, and third parties such as

contractors. The College process for resolving sexual misconduct is based on the relationship of the respondent to Salem College. Respondents who are students will find their rights, responsibilities, and hearing procedures in this policy located in the Student Handbook. Employees will find their rights, responsibilities, and hearing procedures in the Sexual Misconduct Policy contained in the Faculty Handbook or Personnel Manual.

Salem College reserves the right to investigate alleged sexual misconduct involving its students regardless of where the sexual misconduct allegedly occurred or who was involved.

III. DEFINITIONS¹

Complainant is any student, employee, or third party who presents as the victim of any sexual misconduct under this policy, regardless of whether that person makes a report or seeks action under this policy.

Dating violence is any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on the victim's statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under domestic violence.

Domestic violence is any felony or misdemeanor crimes of violence committed: (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (v) 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 in which the crime of violence occurred.

Fondling is touching the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Rape is 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, without the consent of the victim.

Respondent is any student, employee, or third party who has been accused of violating this policy.

Sexual assault is a form of sexual harassment that involves having or attempting to have sexual contact with another person without consent.

¹ These definitions may differ from North Carolina laws. North Carolina criminal statutes are found starting in Chapter 14 of the North Carolina General Statutes.

Sexual contact is any intentional touching or penetration of another person's clothed or unclothed body, including, but not limited to the mouth, neck, buttocks, anus, genitalia, or breast, by another person with any part of the body or any object in a sexual manner. Sexual contact also includes causing another person to touch their own body or another person's body in the manner described.

Sexual exploitation is taking sexual advantage of or sexually exploiting another person without their consent, such as the non-consensual videotaping of an individual engaging in sexual activity, the knowing exposure of an individual to a sexually transmitted disease, or the non-consensual observation of an individual engaging in sexual acts.

Sexual harassment is unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature or based on sex or gender when:

- submission to the behavior is made an express or implied term or condition of employment or status in a class, program, or activity;
- submission to or rejection of the behavior is a factor in an employment or educational decision (such as hiring, promotion, or grading a course);
- the conduct has the purpose or could be reasonably judged to have the effect of interfering with a person's work or educational performance; and/or
- the conduct has the purpose or could be reasonably judged to have the effect of creating an intimidating, hostile, or offensive working or learning environment.

Examples of conduct that may constitute sexual harassment include, but are not limited to: physical assault because of a person's sex or gender; direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, or grades; severe, persistent, or pervasive unwelcome comments regarding a person's sex or gender; unwanted direct propositions of a sexual nature; a pattern of unwelcome sexually explicit statements, questions, jokes, or anecdotes; unwelcome touching, patting, hugging, or brushing against a person's body; unwanted remarks of a sexual nature about a person's clothing, body, sexual activity, or previous sexual experience.

Sexual intercourse is any penetration, however slight, with any object or body part, performed by a person upon another person. Sexual intercourse includes (a) vaginal penetration by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

Sexual misconduct is sexual harassment, sexual assault, dating violence, domestic violence, stalking, and/or any other form of unwanted sexual behavior.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. Examples of stalking include, but are not limited to, repeatedly following another person; repeatedly committing acts that alarm, cause fear, or seriously annoy such other person and that serve no legitimate purpose; and repeatedly communicating by any means with a person in a manner likely to intimidate, frighten, or alarm them.

Statutory rape is non-forcible sexual intercourse with a person who is under the statutory age of consent.

IV. CONSENT

Sexual misconduct can be prevented if consent is obtained prior to sexual activity. Salem College defines consent to sexual activity as the mutual agreement or willingness to participate in sexual activity. The willingness to engage in sexual activity must be clearly communicated by mutually understandable words or actions. The decision to engage in sexual activity must be freely and actively given by all participants.

- Consent must be clear and unambiguous.
- Consent may not be implied by silence, lack of active resistance, or passivity.
- Consent may not be implied by prior sexual activity between the parties, or by prior sexual activity with other parties.
- Consent for one sexual act does not imply consent for other or different types of sexual acts.
- Consent is not effective consent if it is obtained by force, coercion, intimidation, manipulation, or threats.
- Consent may be withdrawn at any time. If one party communicates withdrawal of consent to the other party, then the sexual activity must cease.
- Someone who is incapacitated cannot consent.

Under North Carolina law, consent may never be given by a person who is:

- Under the age of 16;
- Mentally disabled meaning that the person has a mental disorder that either: (1) prevents the person from being able to evaluate the nature of his or her conduct; (2) prevents the person from being able to resist the sexual act; or (3) prevents the person from being able to communicate unwillingness to engage in the sexual act;
- Unconscious; or
- Physically unable to resist the sexual act or to communicate unwillingness to engage in the sexual act. It is important to note that this inability to resist or communicate unwillingness may result from the use of alcohol or drugs. Therefore, a person may not engage in sexual activity with another individual if the person knows, or reasonably should know, that the other individual is incapacitated by the use of alcohol or drugs. Being intoxicated or under the influence of drugs does not eliminate the requirement for obtaining effective consent to sexual activity.

Any sexual act that violates North Carolina criminal laws is not consensual, and in some instances the statutes specifically state that consent is not a defense. North Carolina sex offense laws are found in Chapter 14 of the North Carolina General Statutes.

V. REPORTING SEXUAL MISCONDUCT

Salem College encourages everyone who has experienced sexual misconduct to tell someone what happened. Our primary concern is to provide immediate medical and emotional assistance. Decisions about initiating a formal complaint can be made after the victim seeks immediate help.

Victims are strongly encouraged to report sexual misconduct, but are not required to do so. When sexual misconduct is reported, Salem College will provide victims with written notice of existing and available counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available in the community and on campus. Personally identifiable information about victims will not be included in any publicly available record-keeping, including the reporting and disclosure of crime statistics.

A. Medical Amnesty Policy

Students may request medical amnesty when the student sought emergency medical attention for themselves or medical assistance was sought for them related to drug or alcohol consumption. If medical amnesty is requested, the student must successfully complete a substance abuse assessment and/or intervention program.

This policy is applicable to the student in need of medical attention and other students seeking medical attention on behalf of another person. In the case of a student seeking medical attention on behalf of another person, the reporting student will not receive disciplinary action for seeking help, but may be required to complete a substance abuse assessment and/or intervention program.

The Dean of Students will review and decide all requests for medical amnesty. If medical amnesty applies, the student will avoid disciplinary action. Amnesty only extends to campus judicial processes, and does not protect students from criminal or civil penalties. This policy also does not protect students who repeatedly or blatantly violate the Student Code of Conduct. The Dean of Students has discretion to sanction repeat offenders.

The policy also does not protect students from other concurrent conduct violations, for example, destruction of property or assault that may have occurred during the same incident.

B. Options for Seeking Immediate Medical and Emotional Assistance

Below this section, each option and whether it is confidential is discussed in detail.

- Winston Salem Police Department: 911
- Salem College Public Safety: (336) 917-5555
- Notify a Residential Coordinator (RC)
- Notify a Residential Assistant (RA)
- Go to the hospital: Forsyth Medical Center - (336) 718-5000; or
Wake Forest Baptist Medical Center - (336) 716-2011
 - Getting a forensic examination at the hospital does not require filing a police report. This is a confidential exam.

- In order to maintain confidentiality, do not provide the hospital with your home address if you do not want information about your medical care sent to your home. Do not give ID cards (such as insurance cards) with your home address to the hospital if you want to keep that address confidential.
- Call Family Services' 24-hour crisis line at (336) 722-4457

Preserve All Physical Evidence. Even if a victim is undecided about initiating a formal complaint, they should save their clothing. It is preferred that victims do not remove their clothing. If a victim has done so, they should put their personal items in a paper bag and take them to the hospital for preservation with other evidence collected during a medical examination. Victims should not bathe, shower, go to the bathroom (if possible), brush their teeth, smoke, comb or brush their hair, eat, or drink before receiving a medical exam to collect physical evidence.

C. Options for Reporting Sexual Misconduct

Option 1 - Confidential Reporting and Support

This option allows a student to confidentially report an incident.

- Students may call the following confidential resources:
 - Salem Counseling Services: (336) 721-2625
 - Salem Health Services: (336) 917-5591
 - Salem Chaplain: (336) 917-5087
 - Family Services: (336) 722-4457
 - Family Services is available 24 hours per day, 7 days per week, with victim advocates who provide support for victims in making decisions throughout the process. Obtaining assistance from Family Services does not require filing criminal charges.
- Students may report the misconduct anonymously via the reporting telephone line at (336) 917-5550 or the anonymous reporting website (link from the Title IX webpage at www.salem.edu/about/title-ix).
- Contact a student affairs staff member or Salem Public Safety. If there is an immediate threat to the campus community, a campus alert may be issued with no information identifying the victim.
- If the victim chooses not to pursue criminal charges initially, the victim may change their mind later.

Option 2 - College Title IX Investigation

This option allows a student to report sexual misconduct through the Salem College Title IX investigation process.

- Call the Salem Title IX Coordinator, Erin Jones Adams at (336) 721-2702.

- The College will conduct a prompt, thorough, and impartial inquiry into any reports of sexual misconduct.
- Following the Title IX investigation, the Title IX Coordinator will determine if the information gathered merits charges against the respondent. If so, the matter will be referred for an administrative hearing.

Option 3 - Criminal Investigation

This option allows a student to report criminal law violations directly to law enforcement. A student may wish to pursue criminal action in addition to, or instead of, making a report under the College Sexual Misconduct Policy.

- Call the Winston Salem Police Department
Emergencies: 911
Non-Emergencies: (336) 773-7700
- Investigation is conducted by the police with cooperation from Salem Public Safety and the Title IX Coordinator.
- The Office of the County District Attorney decides whether to initiate a criminal prosecution.
- Any prosecution occurs in the criminal courts. The College will cooperate with law enforcement as requested and appropriate, and abide by lawful orders.

Option 4 - Pursue Both College and Criminal Investigation

- If more than one option is pursued, they may occur simultaneously.
- Internal and criminal adjudication processes occur independently.
- A Salem College investigation may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

D. Legal Advice. Legal advice may be available from the Winston-Salem Police Department, Family Services, or a personal attorney engaged by a student.

VI. FILING A COLLEGE SEXUAL MISCONDUCT COMPLAINT

Students who believe they have been victims of sexual misconduct within the Salem community should file a complaint with the Title IX Coordinator:

Erin Jones Adams
Telephone: (336) 721-2702
Email: erin.adams@salem.edu
Office: Inspector's House located at the corner of Church Street and Academy Street on the Salem College campus

The Title IX complaint should be delivered to the Title IX Coordinator as soon as possible after the incident occurred, preferably within 30 days. The Title IX Coordinator or will oversee any investigation related to Title IX matters.

Anonymous Complaints. Salem College accepts anonymous complaints (those where the complainant does not identify themselves), but an anonymous complaint will not be the basis for action through the student conduct process. If the complainant chooses not to participate in an investigation, the College's ability to respond to the complaint may be limited. Anonymous complaints will be reported to Salem College for inclusion in the annual campus security report. All complaints, with the exception of reports submitted to confidential resources, require that the College investigate.

VII. INITIAL ASSESSMENT AND INTERIM MEASURES

Initial Assessment. After a report or complaint of sexual misconduct has been received by Salem's Title IX Office, the Title IX Coordinator or their designee, will conduct an initial assessment to determine if the allegations are potentially a violation of the College's Sexual Misconduct Policy. If the preliminary review indicates a potential violation of Salem's Sexual Misconduct Policy, the Title IX Coordinator or their designee will begin an investigation.

Interim Measures. Upon notice of an investigation of sexual misconduct, complainants and respondents may immediately request interim measures of protection. Salem College may institute certain interim measures (see below) in an attempt to maintain safety and security during the investigation. North Carolina criminal law also grants certain interim protective measures to alleged crime victims. Further information about interim measures available under North Carolina criminal law can be obtained from the Winston-Salem Police Department (336-773-7700).

The following interim measures are available through Salem College:

1. No-Contact Order: An order issued by the Title IX Coordinator or Chief of Salem College Public Safety to the complainant and/or respondent banning interaction and communication with the other party, either directly or through others (e.g., family members, friends, professors, etc.). The goal of the No-Contact Order is to allow both the complainant and respondent, to the extent possible, to continue their academic and social activities while avoiding contact during the investigation. The No-Contact Order can be as detailed as necessary, including specific plans of where the complainant and respondent may be at specific times.

2. Modified Academic/ Extracurricular/ Transportation/ Dining/ Work/ Residence Arrangements: A change in the relevant arrangements for the complainant and/or respondent to avoid contact between the two. Modifications may be necessary for the students' academic schedules, extracurricular activities, transportation, dining, work, and/or residential arrangements.

3. Increased Security: The College may provide increased monitoring, supervision, or security.

4. Interim Suspension for the Respondent: Should the Title IX Coordinator, in consultation with the Vice President of Academic and Student Affairs/Dean of the College, Office of Student Affairs

and/or Dean of Students, and Public Safety determine that a threat to the health and/or safety of the campus community exists, an interim suspension may be applied for the respondent pending the conclusion of the Title IX Coordinator's investigation and any resulting administrative hearing.

Requests for interim measures should be made to the Title IX Coordinator. Salem College will maintain as confidential any accommodations or protective measures made available to victims provided it does not impair the ability to institute such measures.

Academic Support. Students involved in a Title IX Investigation having difficulty maintaining their academic status should speak with the Title IX Coordinator who can provide information about academic support services. Information about how to apply for a leave of absence is available from the Associate Dean for Undergraduate Studies. Salem College will work with students to address concerns about loan repayment terms and conditions. Student financial aid information can be obtained from the Assistance Vice President of Financial Aid, Paul Coscia (336-917-5577).

IX. SEXUAL MISCONDUCT INVESTIGATION

Salem College will provide a prompt, thorough, and impartial investigation and resolution of any reports of sexual misconduct. The investigation and any resulting administrative hearing will be conducted by those who receive annual training on issues related to Title IX, VAWA crimes, how to conduct an investigation, and a hearing process that protects victim safety and promotes accountability.

During an investigation, the Title IX Coordinator or their designee will attempt to meet with the complainant, the respondent, and any witnesses. The Title IX Coordinator may also work with Public Safety and other campus offices to obtain additional available information.

When a case also involves criminal charges, the Title IX Coordinator will cooperate with Winston-Salem Police and the Forsyth County Prosecutor's Office. The Title IX investigation may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

Investigations should generally be completed within 60 days after the complaint is delivered to the Title IX Coordinator. This time period is subject to extension for good cause.

Privacy Considerations. The College will attempt to obtain consent from the complainant before beginning an investigation. However, the complainant's concerns about privacy must be balanced against the College's need to investigate and take action in situations where the alleged behavior impacts the interests and safety of the College community (which can include, but is not limited to, the involvement of violence, the use of weapons, or repeat offenders).

If Salem College determines that there is a continuing threat to the safety of members of the Salem community, it may have to issue a timely warning regarding the incident. The complainant's name will never be released as part of the timely warning.

If the complainant chooses not to participate in a Title IX investigation, the College's ability to respond to the complaint may be limited. The Title IX Coordinator will notify the complainant that

the College intends to proceed with an investigation, but that the complainant is not required to participate.

Advisor. The complainant and the respondent may each be assisted by one advisor of their choice during the Title IX investigation. The advisor's role is to provide advice to the student throughout the investigation. The advisor is not permitted to question the other parties, witnesses, or Title IX Coordinator during the investigation. The advisor may not be someone who was a witness to the events at issue.

Preponderance of Evidence. During the investigation, Salem College uses a preponderance of the evidence standard in determining whether to charge someone with sexual misconduct. This standard means that the offense is more likely than not to have occurred.

When an investigation has concluded, the Title IX Coordinator will determine if the information gathered merits charges against the respondent. If information merits charges, both the respondent and the complainant shall be notified and given information about the administrative hearing process.

X. ADMINISTRATIVE HEARING

If the investigation results in any charge(s), an administrative hearing will commence. Both the complainant and respondent have equal opportunity to share information with the presiding administrative officer(s) before a determination on responsibility and sanctions is made. For traditional undergraduates, the administrative hearing is usually, but not always, conducted by the Dean of Students and the Assistant Dean of Students. For graduate students, the administrative hearing is usually, but not always, conducted by the Director of Graduate Studies. For Fler Center students, the administrative hearing is usually, but not always, conducted by the Dean of the Fler Center.

Advisor. The complainant and the respondent may each be assisted by one advisor of their choice during the administrative hearing process. The advisor is not permitted to present information or question the other parties, witnesses, or administrative officer(s) at any time. The advisor may not be someone who was a witness to the events at issue.

Summary of Relevant Information. Prior to an administrative hearing, the complainant and respondent will each be given a summary of the relevant information gathered by the Title IX Coordinator and/or the administrators. Witness names may be redacted to protect confidentiality.

General Administrative Hearing Procedure:

1. The complainant, respondent, and their advisors (if any) enter the room, unless the parties have chosen to be shielded from each other. The administrative officer(s) may accommodate any student(s) with concerns for personal safety, well-being, and/or fears of confrontation during the hearing by providing separate facilities and/or by permitting participation by other means such as videoconference or Skype. If separate facilities are requested, the administrative officer(s) will provide separate options to both the complainant and the respondent.

2. The administrative officer(s) read the Title IX Coordinator's charges against the respondent.
3. The complainant is given an opportunity to testify. The complainant is not required to participate in the hearing. The complainant may submit a written statement to the administrative officer(s) in advance of the hearing in lieu of, or in addition to, testifying.
4. The respondent is given an opportunity to testify. The respondent is not required to participate in the hearing. The respondent may submit a written statement to the administrative officer(s) in advance of the hearing in lieu of, or in addition to, testifying. If the respondent chooses not to attend the hearing, the administrative officer(s) will hear the evidence presented in their absence, and make a decision based on available evidence.
5. The administrative officer(s) have the opportunity question the complainant and respondent.
6. The complainant and respondent will not be permitted to ask questions directly of one another. The complainant and respondent may submit questions to the administrative officer(s) in advance that they would like to ask of the other party. The administrative officer(s) will screen the questions and ask appropriate and relevant questions.
7. Witnesses, if any, will enter the hearing room individually, give statements, and answer questions from the administrative officer(s). Witnesses may submit signed testimonies if they are unable to be present. Witnesses may be individuals who have seen and/or heard the incident and individuals to whom the complainant and/or respondent may have spoken to about the incident. Because the focus of the hearing is on facts, character witnesses are not used within this process. It is possible for both the complainant and the respondent to identify the same witnesses.
8. The complainant and respondent may submit questions to the administrative officer(s) in advance to be asked of the expected witnesses. The administrative officer(s) will screen the questions and ask appropriate and relevant questions.
9. The administrative officer(s) end the hearing.

During the administrative proceedings, Salem College uses a preponderance of the evidence standard in determining whether someone is responsible for sexual misconduct. This standard means that the offense is more likely than not to have occurred.

Outcome and Sanctions. Following the hearing, the administrative officer(s), taking all statements and evidence into consideration, will deliberate and determine responsibility and then determine appropriate sanctions, if deemed necessary. The administrative officer(s) will issue a Notice of Outcome in writing to the complainant and respondent simultaneously, and typically within three business days of the hearing, subject to extension for good cause. The Notice of Outcome explains the evaluation of responsibility and sanctions (if any) to the parties.

One or more of the following sanctions may be deemed appropriate, depending on the nature and severity of the violation, and whether the student is a repeat violator of community standards:

- Fines/Restitution: The student may be required to pay money as punishment; reimbursement for damages or misappropriation of property.
- Relocation of Residence: The student may be relocated from their current residence hall room to another room on campus or to live off campus with a parent or guardian.
- Permanent No Contact Order: The student may be required to stay away from the complainant until both parties graduate.
- Class Reassignment: The student may be removed from current academic classes to prevent contact with the complainant.
- Loss of Social Privileges: The student may lose all visitation privileges. The purpose of this sanction is to provide the student with time for reflection on the responsibility related to enjoying the privilege of attending social events and having visitors in the future prior to this privilege being restored. For a designated period of time, the student may not attend any College-sponsored social events, such as events sponsored by the Student Government Association or the Campus Activities Board.
- Loss of Visitation: The student may not have any guests on Salem College property or at Salem-sponsored off-campus events for a designated period of time.
- Community Service: The student is assigned a set number of hours to serve the community.
- Substance Abuse Assessment: The student may be required to complete a substance abuse assessment by a health professional, either on campus or in the local community.
- Educational Sanctions: A student may be required to complete workshops or attend programs on campus or in the local community on topics related to the violation. Students may be required to write a reflection paper, make a presentation, or complete a special project intended to learn from their behavior.
- Written Warning: The student is warned, in writing, that continuation or repetition of the prohibited conduct may cause more severe disciplinary action. The student is advised to learn from their experience as they reflect on the importance of their behavior and its impact on the Salem community. The warning is put on the student's judicial record until graduation.
- Probation: The student is excluded from participation in privileged or extracurricular activities for a definite period of time. Probation is designed by the administrators and likely includes a combination of the sanctions listed here such as loss of social privileges for the length of probation and/or educational assignments, and a punishment to fit the violation. The sanction of probation remains on a student's judicial record until graduation.
- Suspension-Held-in-Abeyance: The student is excluded from classes and other privileges for a definite period to be enforced should another violation occur. This sanction is given when a student is found responsible for a violation of a very serious nature but who, in the administrator's judgment, should be allowed to continue their coursework at Salem. A sanction of Suspension-Held-in-Abeyance may entail a loss of social privileges for the length of the sanction, as well as appropriate educational assignments and/or a punishment to fit the violation based on the administrator's decision. If the student is found responsible for any other violation by the administrators while on Suspension-Held-in-Abeyance, this violation may activate a sanction of suspension or expulsion, and the student will be required to leave campus

within 24 hours. Suspension-Held-in-Abeyance stays on a student's judicial record until the student graduates.

- **Suspension:** The student is excluded from classes and other privileges for a definite period of time. The student must leave campus within 24 hours. Once the sanction has been served, the student is free to return to Salem. If a student chooses to take classes while serving this sanction, no credits will be transferable back to Salem. Suspension remains on the student's judicial record for two years after graduation.
- **Expulsion:** The student receives a termination of their student status indefinitely. The student must leave campus within 24 hours. A student who is expelled following a Title IX administrative hearing may not return to Salem's campus for any reason, including alumnae events. The sanction remains on the student's judicial record permanently.

The administrators will inform appropriate offices and/or faculty members of any sanctions on a need-to-know basis. Failure of a student to fulfill their sanctions by the date specified will result in an automatic reappearance before the administrative officer(s).

In cases where a criminal investigation is also pending, the College's determinations or sanctions will not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules are later dismissed, reduced, or resolved in favor of or against the criminal law defendant.

Disclosure of Outcome. The Family Educational Rights and Privacy Act of 1974 (FERPA) permits the College to disclose the outcome of the administrative hearing to the complainant without prior written consent of the respondent when the disclosure is to a victim of an alleged perpetrator of a crime of violence including physical sexual misconduct. Furthermore, FERPA permits the college to notify the complainant of any sanctions assigned to the respondent if those sanctions apply to the complainant.

XI. APPEALS

The complainant and respondent each have one opportunity to appeal a decision and/or any sanction(s) issued by the administrative officer(s). Appeals must be submitted in writing to the Vice President for Academic and Student Affairs/Dean of the College within 24 hours of receiving written notification from the administrative officer(s). The outcome of the appeal will be provided in writing to both the complainant and the respondent when such results become final. Any change to the results that occurs prior to the time that such results become final will be provided in writing to both the complainant and respondent simultaneously.

Any sanctions imposed by the administrative officer(s) will remain in effect pending the outcome of an appeal.

XII. RETALIATION PROHIBITED

No official, employee, student or agent of Salem will retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights under Salem's Sexual Misconduct Policy or other campus security policies.

Retaliation against an individual who in good faith reports sexual misconduct or any criminal activity, or participates in an investigation or proceeding involving sexual misconduct or any criminal activity, is strictly prohibited. An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse educational action) because the person (a) made a report of sexual misconduct, in good faith, (b) assisted someone with a report of sexual misconduct, or (c) participated in an investigation or resolution of a report of sexual misconduct, may make a report of retaliation to the Title IX Coordinator for investigation.

XIII. RECORDS

Records kept by Salem College are confidential, and identifying information about the victim is kept confidential to the extent permissible by law. Neither the publically available crime log nor timely warnings or alerts include victims' names.

This policy was last updated November 19, 2017, and it may be updated at any time. To view a current version of the policy, please visit the Title IX webpage on the Salem College website. This policy applies to all reports of sexual misconduct occurring on or after the effective date of this policy. Where the date of the alleged sexual misconduct precedes the effective date of this policy, the definitions of misconduct in existence at the time of the alleged incident(s) will be used. The procedures under this policy, however, will be used to investigate and resolve all reports made on or after the effective date of this policy, regardless of when the incident(s) allegedly occurred.