SALEM ACADEMY AND COLLEGE

SEX[1] DISCRIMINATION, HARASSMENT, AND RELATED SEXUAL MISCONDUCT POLICY

2024-2025[2]

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[2] The Policy was implemented effective August 14, 2020 and amended effective August 25, 2021.

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IMPORTANT INFORMATION FOR INDIVIDUALS WHO MAY BE VICTIMS OF SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING:

If you or someone you know may have been a victim of these behaviors or any other type of violence, you are strongly encouraged to seek immediate assistance.

ASSISTANCE CAN BE OBTAINED 24 HOURS A DAY, 7 DAYS A WEEK, FROM SALEM PUBLIC SAFETY LOCATED AT MAIN HALL (LOWER LEVEL, REAR ENTRANCE) AND AVAILABLE BY PHONE AT 336-917-5555.

During business hours (8:30 a.m. to 5:00 p.m., Monday through Friday), you are also strongly encouraged to contact the Salem Academy and College Title IX Coordinator.

Please see the **Appendices** attached to this document for important campus and community support resources, including contact information for the Title IX Office, medical assistance and confidential emotional support, local law enforcement agencies, hospitals, and other resources.

SECTION I. SEX DISCRIMINATION, HARASSMENT, AND RELATED SEXUAL MISCONDUCT POLICY

1.01 Notice of Nondiscrimination

Salem Academy and College, in furtherance of its values as an educational institution and in compliance with civil rights laws, does not discriminate on the basis of race, color, national origin, *sex, *gender identity/expression, sexual orientation, pregnancy, disability, age, religion, veteran status, or any other characteristic or status protected by applicable local, state, or federal law in admission, treatment, access to, or employment in its programs and activities.

Discrimination and harassment are antithetical to the values and standards of the Salem community; are incompatible with the safe, healthy environment that the Salem community expects and deserves and will not be tolerated. Salem is committed to providing programs, activities, and an education and work environment free from discrimination and harassment. Salem is also committed to fostering a community that promotes prompt reporting and fair and timely resolution of those behaviors.

Inquiries concerning discrimination or harassment based on a protected characteristic or status other than sex should be referred to the Director of Human Resources and Benefits at hr@salem.edu or 336-917-5721 (for employees), Head of School, Kris Porazzi Sorrells, at kris.sorrells@salem.edu or 336-917-5524 (for Academy students), or Chief Campus Culture Officer and Vice President for Equity, Diversity and Inclusion, AJ Mazaris, at aj.mazaris@salem.edu or 336-917-5268.

Inquiries concerning sex discrimination and harassment should be referred to the Title IX Coordinator, Nicole Hundt, at titleix@salem.edu or 336-917-5721.

*As an all-girls school, Salem Academy admits only female students as permitted by law. Salem College welcomes applications from students who were assigned female at birth or who identify as women. A student who has been allowed to matriculate at Salem College will be able to complete their degree, regardless of gender identity. In its continuing education (Fleer Center) and graduate programs, Salem College does not restrict admission on the basis of sex or gender identity/expression.

1.02 Prohibition on All Sex Based Discrimination and Harassment; Retaliation; and Providing False Information or Interfering with a Grievance Process

This Policy prohibits discrimination and harassment on the basis of all sex. Salem strongly encourages the prompt reporting of, and is committed to timely and fair resolution of, complaints of sex discrimination and harassment, including Title IX Sexual Harassment and Non-Title IX Sexual Misconduct.

Title IX Sexual Harassment, as defined by Title IX of the Education Amendments Act of 1972 and its implementing regulations ("Title IX") and herein,[3] is a specific type of sex discrimination/harassment that includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking and that Salem addresses using its Title IX Sexual Harassment Grievance Procedures, as required by Title IX. Other forms of prohibited sexual misconduct not governed by Title IX, which are defined herein as Non-Title IX Sexual Misconduct, are addressed by Salem using the Non-Title IX Sexual Misconduct Grievance Procedures.

This Policy also prohibits Retaliation, as defined by Title IX and herein. Complaints alleging Retaliation may be filed with the Title IX Coordinator and, at the discretion of the Title IX Coordinator, may be addressed under Salem's Title IX Sexual Harassment Grievance Procedures, Non-Title IX Sexual Misconduct Grievance Procedures, or other grievance process adopted by Salem.

[3] Capitalized terms used herein are defined in Section 1.06.

Additionally, any individual who knowingly files a false complaint or who interferes with a Salem grievance process may be subject to disciplinary action. Interference with a grievance process may include, but is not limited to, attempting to coerce, compel, or prevent an individual from providing testimony or relevant information; removing, destroying, or altering documentation relevant to an investigation; or providing false or misleading information to Salem officials who are involved in the investigation and/or resolution of a process, or encouraging others to do so.

1.03 Reporting Resources and Time Period

Non-Confidential Salem Reporting Resources. Any person (whether or not alleged to be the victim) is encouraged to report sex discrimination or harassment, including Title IX Sexual Harassment and Non-Title IX Sexual Misconduct, to Salem in person, by mail, by telephone, or by electronic mail, using the contact information for the Title IX Coordinator listed in the Appendices, or by any other means that results in the Title IX Coordinator receiving the verbal or written report. Such a report may be made at any time (including during non-business hours).

All faculty employees with teaching, advisory, and/or supervisory authority are Responsible Employees. Members of the Board of Trustees, the President, the Head of School, Vice Presidents, Assistant/Associate Vice Presidents, Deans, Directors, Department Chairs, Athletics Coaches and staff, Human Resources, Lab Coordinators, and Student Affairs and Residence Life professionals (including Resident Advisors acting within their role) are also Responsible Employees. Confidential resources are not Responsible Employees. Responsible Employees are *required* by Salem to promptly consult with the Title IX Coordinator regarding reports of discrimination and harassment on the basis of sex, sharing known details of the incident, by telephone, in person, or electronic mail. Receipt of information by a Responsible Employee will not automatically trigger an obligation to respond to an allegation of Title IX Sexual Harassment.

Salem *strongly encourages* all non-supervisory employees and other members of the Salem community (including students) to promptly report concerns regarding suspected or known sex discrimination or harassment to the Title IX Coordinator.

In addition to the Title IX Coordinator, Salem has specifically designated the following employees as individuals with the authority to institute corrective measures on behalf of Salem: President, Head of School, Vice Presidents, Deans and Directors of Student Affairs/Student Life, Residence Life, and Academic Programs, and Athletics Director and Coaches. Accordingly, an incident of sex-based discrimination and harassment shared with these mandatory reporters constitutes Actual Knowledge under this Policy.

Confidential Salem Reporting Resources. Salem has designated the Academy Counselor, College Counseling Services, Health Services, and the Chaplain as confidential resources for students, and their contact information is listed in the Appendices. Information about sex discrimination and harassment, including Title IX Sexual Harassment and Non-Title IX Sexual Misconduct, shared with these confidential resources typically will not be reported to other Salem personnel (including the Title IX Coordinator), to the Respondent, or to others, unless the disclosing individual gives their consent to the disclosure or the law requires it (as may be the case with abuse involving a minor or under conditions involving imminent physical harm, for example). (Confidential resources may report *non-identifying* statistical information to the Title IX Coordinator for recordkeeping and compliance purposes.)

Anonymous Salem Reporting Resources. Sex discrimination and harassment, including Title IX Sexual Harassment and Non-Title IX Sexual Misconduct, may be reported anonymously to Salem via the reporting telephone line listed in the Appendices or the anonymous reporting form available on the Title IX webpage of the Salem website. (Responsible Employees should not use the anonymous reporting option for fulfilling their Title IX reporting obligations and should direct any reports of conduct in violation of the Policy to the Title IX Coordinator.) When the complaint does not reveal the identity of the aggrieved person, the ability of Salem to respond to the complaint may be limited. To the extent possible and as permitted by law, Salem will

nevertheless conduct an inquiry and take prompt and appropriate action that is reasonably calculated to eliminate the discriminatory or harassing behavior, prevent its recurrence, and limit its effects.

Community Reporting Resources. Individuals who have experienced sex discrimination and harassment, including Title IX Sexual Harassment and Non-Title IX Sexual Misconduct, may also report to and seek assistance from community resources, including law enforcement for filing criminal charges, hospital and health centers for medical assistance (including rape kit evidence collection), and family violence, intimate partner violence, and rape crisis centers for counseling, shelter, advocacy, safety planning, and access to other resources. Contact information for local community resources is listed in the Appendices, and assistance with identifying non-local resources may be obtained from the Title IX Coordinator, Salem Public Safety, or community services listed in the Appendices.

Reporting Time Period. An individual who has experienced sex discrimination and harassment and initially chooses to consult confidential resources and not file a complaint under this Policy or report to law enforcement may change their mind later. Salem will address allegations of sex discrimination and harassment appropriately no matter the length of time that has passed since the alleged conduct. However, Salem strongly encourages prompt reporting to preserve evidence for a potential legal or disciplinary proceeding. Delay may compromise the ability to investigate, particularly if the individuals involved in the alleged conduct are no longer Salem students or employees.

Timely Warning. If based on the reported sex discrimination and harassment, Salem determines that there is a continuing threat to the safety of members of the Salem community, Salem may issue a timely community warning regarding the incident. The name of the Complainant or other identifying information will not be released as part of the timely warning process.

1.04 Applicability of Policy and Grievance Procedures

This Policy applies to any allegation of sex discrimination and harassment, including Title IX Sexual Harassment and Non-Title IX Sexual Misconduct, made by or against a student or an employee of Salem or a third party (including contractors, volunteers, or guests), regardless of sex, sexual orientation, sexual identity, gender expression, or gender identity.

The Title IX Sexual Harassment Grievance Procedures apply only to allegations of Title IX Sexual Harassment in Salem's Education Program or Activity (as defined herein) which occurred against an individual in the United States.[4]

Salem will address allegations of (1) Title IX Sexual Harassment which did not occur in Salem's Education Program or Activity or did not occur against an individual in the United States; and (2) allegations of Non-Title IX Sexual Misconduct (i.e., that do not meet the definition of Title IX Sexual Harassment) by using the Non-Title IX Sexual Misconduct Grievance Procedures contained in Section III of this Policy.

Under this Policy, Salem may also investigate and address allegations of, and impose sanctions for, alleged misconduct that arises out of the same facts or circumstances as the Title IX Sexual Harassment or Non-Title IX Sexual Misconduct at issue, even if such related misconduct is not, when standing alone, governed by this Policy. The same applies to counterclaims and allegations of Retaliation, providing false information, and/or interfering with an investigation that arise out of the same facts or circumstances.

Salem may also address allegations using other student and employee conduct disciplinary procedures as applicable and deemed appropriate by the Title IX Coordinator in consultation with other Salem administrators and/or with Supportive Measures, which are defined and discussed in more detail herein.

[4] And, at the discretion of the Title IX Coordinator, to related allegations of Retaliation.

Salem's ability to take disciplinary action against a third party Respondent will be limited and is determined by the context of the allegations. Salem will determine the appropriate resolution based on the nature of Salem's relationship to the third party Respondent.

1.05 Rights of Parents

When a student Complainant or Respondent is a minor or has a guardian appointed and their parent or guardian has the legal right to act on the student's behalf, then the parent or guardian may file a Formal Complaint on behalf of the student, although the student would be the "Complainant." In such a situation, the parent or guardian may exercise the rights granted to the student under this Policy, including requesting Supportive Measures and participating in a grievance process. Similarly, the parent or guardian may accompany the student to meetings, interviews, and hearings during a grievance process to exercise rights on behalf of the student, while the student's advisor of choice may be a different person from the parent or guardian. Whether or not a parent or guardian has the legal right to act on behalf of an individual would be determined by state law, court orders, child custody arrangements, or other sources granting legal rights to parents or guardians.

Additionally, FERPA and its implementing regulations address the circumstances under which a parent or guardian is permitted to inspect and review a student's education records. However, in circumstances in which FERPA would not grant a party the opportunity to inspect and review evidence in connection with a grievance process, pursuant to Title IX and its implementing regulations, the student has an opportunity to do so, and a parent or guardian who has a legal right to act on behalf of the student has the same opportunity.

1.06 Definitions Applicable to Policy and Grievance Procedures

Capitalized terms used in this Policy are defined as follows:

"Actual Knowledge" means notice of Title IX Sexual Harassment or allegations of Title IX Sexual Harassment to Salem's Title IX Coordinator, President, Head of School (Academy), Vice Presidents, Deans and Directors of Student Affairs/Student Life, Residence Life, and Academic Programs, and Athletics Director and Coaches. "**Notice**" as used in this paragraph includes, but is not limited to, a report of Title IX Sexual Harassment to the Title IX Coordinator.[5]

"Clery Act" refers to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, which is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. § 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment or Non-Title IX Sexual Misconduct under this Policy, irrespective of whether a Formal Complaint has been filed.

"Consent" is informed, freely and actively given, mutually understandable words or actions that indicate a willingness and readiness to participate in mutually agreed upon sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a clear and unambiguous agreement between them to engage in certain conduct with each other. Consent cannot be gained by ignoring or acting in spite of the objections of another.

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[5] This standard is not met through imputation of knowledge based solely on vicarious liability or constructive notice. This standard also is not met when the only individual with Actual Knowledge is the Respondent. The mere ability or obligation to report Title IX Sexual Harassment or to inform a student about how to report Title IX Sexual Harassment, or having been trained to do so, does not qualify an individual as one to whom notice of Title IX Sexual Harassment or allegations of Title IX Sexual Harassment constitutes Notice.

Consent cannot be inferred from: silence, passivity, or lack of resistance alone; a current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else); attire; the buying of dinner or the spending of money on a date; or Consent previously given (i.e., Consent to one sexual act does not imply Consent to another sexual act).

Consent is not effective if it is obtained through the use of physical force, violence, duress, deception, intimidation, coercion, or the threat, expressed or implied, of bodily injury. Whether a party used any of these means to obtain Consent will be determined by reference to the perception of a reasonable person found in the same or similar circumstances.

Consent may never be given by the following individuals: minors, even if the other participant did not know the minor's age; mentally disabled persons, if their disability was reasonably knowable to a person who is not mentally disabled; or persons who are Incapacitated. The use of alcohol or drugs does not diminish one's responsibility to obtain Consent and does not excuse conduct that constitutes Title IX Sexual Harassment or Non-Title IX Sexual Misconduct.

If at any time during a sexual act any confusion or ambiguity is or should reasonably be apparent on the issue of Consent, it is incumbent upon each individual involved in the activity to stop and clarify the other's willingness and readiness to continue and capacity to Consent. Neither party should make assumptions about the other's willingness and readiness to continue.

"Dating Violence" as defined in 34 U.S.C. § 12291(a)(10): 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.

"Day" means a business day, unless otherwise specified.

"Domestic Violence" as defined in 34 U.S.C. § 12291(a)(8): 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.

"Education Program or Activity" means all of Salem's operations and includes (1) locations, events, or circumstances over which Salem exercised substantial control over both the Respondent and the context in which the alleged Title IX Sexual Harassment occurred; and (2) any building owned or controlled by a student organization that is officially recognized by Salem.

"Education Record" has the meaning assigned to it under FERPA.

"FERPA" is the Family Educational Rights and Privacy Act, a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations at 34 C.F.R. § 99. FERPA protects the privacy of student Education Records. FERPA grants to eligible students the right to access, inspect, and review Education Records, the right to challenge the content of Education Records, and the right to consent to the disclosure of Education Records.

"Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment or Non-Title IX Sexual Misconduct against a Respondent and requesting that Salem investigate the allegation of Title IX Sexual Harassment or Non-Title IX Sexual Misconduct. At the time of filing a Formal Complaint alleging Title IX Sexual Harassment, a Complainant must be participating in or attempting to participate in Salem's Education Program or Activity. If, at the time of filing a Formal Complaint alleging Title IX Sexual Harassment, a Complainant is not participating in or attempting to

participate in Salem's Education Program or Activity, Salem may proceed to investigate the allegation using the Non-Title IX Sexual Misconduct Grievance Procedures.

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail by using the contact information listed for the Title IX Coordinator in the Appendices. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

"Hostile Environment Harassment" is unwelcome conduct based on sex that creates a hostile environment or involves the submission to or rejection of such conduct as a condition of any aid, benefit, or service in employment, education, or participation in a Salem program or activity and that does not meet the definition of Title IX Sexual Harassment. For purposes of this definition, hostile environment is unwelcome conduct that is sufficiently severe, persistent, and/or pervasive so as to significantly interfere with or alter the conditions of education, employment, or participation in a Salem program or activity, or creates a hostile working or learning environment that a reasonable person in similar circumstances and with similar identifies would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, would not create a hostile environment. A hostile environment is distinguished from behavior that even though unpleasant or disconcerting is appropriate for carrying out certain instruction, advisory, or supervisory functions. Whether conduct is sufficient to constitute a hostile environment is evaluated under the totality of the circumstances, including the frequency of the conduct, its severity, whether it is physically threatening or humiliating, or merely an offensive utterance.

"Incapacitated" means lacking the physical and/or mental ability to make informed, rational judgments. A person may be Incapacitated for a variety of reasons, including but not limited to being asleep or unconscious, having consumed alcohol or taken drugs, or experiencing blackouts or flashbacks.

"Non-Title IX Sexual Misconduct" means unwelcome sexual advances, requests for sexual favors, or other nonverbal, graphic, or physical conduct of a sexual nature when (i) such conduct does not constitute Title IX Sexual Harassment and the behavior is both (i) severe, persistent, or pervasive and (ii) objectively offensive, such that it unreasonably limits or interferes with the individual's ability to participate in or benefit from Salem's education, on-campus living, or employment programs or activities by creating an intimidating, hostile, offensive, or demeaning environment. Whether the conduct creates an intimidating, hostile, offensive, or demeaning environment may depend on a variety of factors, including: the degree to which the conduct affected the education or employment of another person; the type, frequency and duration of the conduct; the relationship between the parties; the number of people involved; and the context in which the conduct occurred. The more severe the conduct, the less need there is to show a repeated pattern of conduct

"Respondent" means an individual who has been reported to be the perpetrator of conduct alleged to constitute Title IX Sexual Harassment or Non-Title IX Sexual Misconduct under this Policy.

"Retaliation" means (1) any adverse action, including direct and indirect intimidation, threats, coercion, discrimination, or harassment (including charges for conduct violations that do not involve sex discrimination or harassment but that arise out of the same facts or circumstances as a report, Formal Complaint alleging those behaviors) that is (2) threatened or taken against a person (a) for the purpose of interfering with any right or privilege secured by Title IX or this Policy; or (b) because the person has made a report, Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing related to Title IX or this Policy. [6]

[6] Retaliation does not include (1) the exercise of rights protected under the First Amendment; (2) charging an individual with making a materially false statement in bad faith in the course of a grievance proceeding (provided, however, that a determination regarding responsibility alone is not sufficient to conclude that an individual made a materially false statement in bad faith); or (3) good faith actions lawfully pursued in response to a report of prohibited conduct.

"Sexual Exploitation" means 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, non-consensual observation of an individual engaging in sexual acts, or causing or inducing someone to become Incapacitated for the purpose of engaging in sexual acts without their Consent, or indecent exposure.

"Sexual Assault" is any sexual act directed against another person, without the Consent of the person, including instances where the person is incapable of giving consent. Sexual Assault can occur between individuals of the same or different sexes and/or genders. Sexual Assault includes the following:

- Rape: The carnal knowledge of a person, without the consent of the person, including instances where the person is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;
- Sodomy: Oral or anal sexual intercourse with another person, without the consent of the person, including instances where the person is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;
- Sexual Assault with an Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of a person, without the consent of the person, including instances where the person is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;
- Fondling: The touching of the private body parts of a person for the purpose of sexual gratification, without the consent of the person, including instances where the person is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

"Stalking" as defined in 34 U.S.C. § 12291(a)(30): engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.[7]

"Supportive Measures" are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant and/or a Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to Salem's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Salem's educational environment or deter Title IX Sexual Harassment or Non-Title IX Sexual Misconduct.

Supportive Measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. Salem will maintain as confidential any Supportive Measures provided to a Complainant or a Respondent, to the extent that maintaining such confidentiality would not impair Salem's ability to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

"Title IX Sexual Harassment" means conduct on the basis of sex that occurs in the United States and in Salem's Education Program and Activity and satisfies one or more of the following:

[7] This Policy applies to complaints of sex-based Stalking. Complaints of Stalking based on other grounds are referred to the Head of School (Academy students), Office of the Dean of Students (College students), or Human Resources (employees) for review and resolution under other applicable student and employee conduct policies.

1. an employee of Salem or another student conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (commonly referred to *quid pro quo* harassment);

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 Salem's Education Program or Activity; or

3. Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Retaliation, as defined in this Policy.

"Quid Pro Quo Harassment" is conduct where a student or employee of Salem conditions the provision of an aid, benefit, or service on an individual's participating in unwelcome sexual conduct.

1.07 Amnesty

The health and safety of every student at the College is of utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that prohibited conduct occurs may be hesitant to report incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report such prohibited conduct. A student bystander or complainant acting in good faith who discloses any incident of prohibited conduct under these or Title IX procedures to a Salem official or to law enforcement shall not be subject to action under the College's Code of Conduct for violation of alcohol and/or drug use occurring at or near the time of the commission of the prohibited conduct. While no disciplinary action will be taken, Salem reserves the right to take steps necessary to address health and safety concerns for the individual and the community, as well as the right to report truthfully to licensing bodies. In its discretion, Salem may provide amnesty for other conduct code violations that are discovered in the course of a grievance process.

1.08 Individuals with Disabilities

Salem will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations, to the extent necessary and available, to participate in grievance processes under this Policy. Student requests for accommodation should be made to the Director of Academic Support and Student Disability Services (for College students), Leaning Specialist (for Academy students), or Director of Human Resources and Benefits (for employees).

1.09 Privacy and Disclosure

Except as may be permitted by FERPA or as required by law or to carry out any investigation or resolution of sex discrimination or harassment allegations, Salem will keep private the identity of any individual who has made a report or complaint of sex discrimination or harassment (including any individual who has made a report or filed a Formal Complaint), any Complainant, any Respondent, and any witness.

Salem may report alleged Title IX Sexual Harassment or Non-Title IX Sexual Misconduct to local law enforcement if warranted by the nature of the allegations at issue, and Salem administrators may share information regarding alleged Title IX Sexual Harassment or Non-Title IX Sexual Misconduct, as appropriate and necessary, in order to address and resolve the allegation(s) at issue, prevent the recurrence of similar Title IX Sexual Harassment or Non-Title IX Sexual Misconduct, and address the effects of the Title IX Sexual Harassment or Non-Title IX Sexual Misconduct. Additionally, information regarding alleged Title IX Sexual Harassment or Non-Title IX Sexual Misconduct may be used as a statistical, anonymous report for data collection purposes under the Clery Act.

To comply with FERPA, Title IX, and other applicable laws and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, grievance

processes carried out under these Grievance Procedures are not open to the general public. Accordingly, documents prepared in connection with such processes; documents, statements, or other information introduced in interviews, meetings, and proceedings; and the final outcome letter may not be disclosed outside of those processes except as may be required or authorized by law.

As permitted by and subject to the limitations of FERPA, Salem reserves the right to notify parent(s) or guardian(s) of a student Respondent of the outcome of any investigation involving that Respondent, redacting names of any other students who do not consent to the disclosure of their information. At the written request of a party, Salem may include a party's advisor on communications and share access to documents, including the investigation report. This access is subject to the advisor's acknowledgment and agreement to maintain the confidentiality of the documents. While Salem strongly encourages parties to maintain privacy in connection with a grievance process, Salem does not prohibit parties from discussing the allegations under investigation or in any way inhibit the parties from gathering or presenting relevant evidence. In addition, Salem's policy does not prohibit disclosure of the final outcome letter by either the Complainant or the Respondent.

1.10 Academic Freedom

Salem affirms its commitment to academic freedom but notes that academic freedom does not allow any form of Title IX Sexual Harassment or Non-Title IX Sexual Misconduct. Salem recognizes that an essential function of education is a probing of opinions and an exploration of ideas, some of which, because they are controversial, may cause students and others discomfort. This discomfort, as a product of free academic inquiry within a faculty member's area(s) of expertise, shall in no way be considered or construed to constitute Title IX Sexual Harassment or Non-Title IX Sexual Misconduct. Academic inquiry may involve teaching, research and extramural speech. Furthermore, nothing in this document shall be interpreted to prohibit bona fide academic requirements for a specific Salem program or activity. When investigating complaints that a party or the Title IX Coordinator believes may involve issues of academic freedom, the Title IX Coordinator may consult with the Vice President for Academic and Student Affairs with respect to contemporary academic practices and standards.

1.11 Documentation

Salem will retain documentation (including but not limited to any Formal Complaint, notifications, recording or transcripts of interviews, investigative report, written findings of fact, petitions for appeal, notifications of decisions (including the final outcome letter), audio recordings of hearings, and written communication with the Complainant and Respondent), for no less than seven years.

SECTION II. TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCEDURES

A. APPLICABILITY, COMPLAINT INTAKE, AND OVERARCHING PROVISIONS

2A.01 Applicability of Grievance Procedures

As noted above, these Grievance Procedures apply to allegations of Title IX Sexual Harassment in Salem's Education Program or Activity (and to related Retaliation, at the discretion of the Title IX Coordinator). Salem ensures a fair, transparent and reliable process by treating Complainants and Respondents equitably through providing remedies to a Complainant where Salem makes a determination of responsibility for Title IX Sexual Harassment against a Respondent under these Grievance Procedures and also by following these Grievance Procedures before imposing any disciplinary sanctions against a Respondent for Title IX Sexual Harassment.

2A.02 Obligation to Respond and Initial Outreach to Complainant

When Salem has Actual Knowledge of Title IX Sexual Harassment (or allegations thereof) against a person in the United States in its Education Program or Activity, Salem is obligated to respond and to follow Title IX's specific requirements, which are addressed and incorporated in these Grievance Procedures.

Promptly upon receiving allegations of Title IX Sexual Harassment against a person in the United States in Salem's Education Program or Activity, the Title IX Coordinator will contact the Complainant to discuss the availability of Supportive Measures with or without the filing of a Formal Complaint and to explain to the Complainant the process for filing a Formal Complaint.

2A.03 Filing of a Formal Complaint for Title IX Sexual Harassment

As noted in the Definitions section, a Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment or Non-Title IX Sexual Misconduct against a Respondent and requesting that Salem investigate the allegation of Title IX Sexual Harassment or Non-Title IX Sexual Misconduct. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail by using the contact information listed for the Title IX Coordinator in the Appendices.

When the Title IX Coordinator believes that, with or without the Complainant's desire to participate in a grievance process, a non-deliberately indifferent response to the allegations requires an investigation, the Title IX Coordinator has the discretion to initiate the grievance process by signing a Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under these Grievance Procedures. Furthermore, initiation of a Formal Complaint by the Title IX Coordinator is not sufficient alone to imply bias or that the Title IX Coordinator is taking a position adverse to the Respondent.

Once a Formal Complaint is initiated, an alleged victim will be referred to as a "Complainant," and an alleged perpetrator will be referred to as a "Respondent."

2A.04 Notice of Allegations

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide the Complainant and any known Respondent written notice of these Grievance Procedures and of the allegations of conduct potentially constituting Title IX Sexual Harassment, including sufficient details known at the time and with at least five days to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Harassment, and the date and location of the alleged incident, if known.

The written notice will include a statement 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. The written notice also will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and that at appropriate junctures the parties and their advisors may review and inspect evidence collected during the investigation. Additionally, the written notice will inform the parties of Salem's prohibition on knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, Salem decides to investigate allegations of Title IX Sexual Harassment involving the Complainant or Respondent that are not included in the original written notice of allegations, Salem will provide notice of the additional allegations to the parties whose identities are known.

2A.05 Dismissal

Salem will investigate the allegations in a Formal Complaint; however, Salem *will* dismiss a Formal Complaint or a portion of the allegations therein if (1) the conduct alleged in the Formal Complaint, even if substantiated, would not constitute Title IX Sexual Harassment; (2) the conduct alleged in the Formal Complaint did not occur in Salem's Education Program or Activity; or (3) the conduct alleged in the Formal Complaint did not occur against an individual in the United States. Such a dismissal may take place at the conclusion of the investigation or at any time prior to the conclusion of the investigation.

Additionally, Salem *may* dismiss a Formal Complaint or a portion of the allegations therein if (1) the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; (2) the Respondent is no longer enrolled or employed at Salem; or (3) despite efforts to do so, Salem is unable to gather evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

In the event the Title IX Coordinator determines that dismissal of a Formal Complaint or a portion of the allegations is appropriate, the Title IX Coordinator will promptly notify the parties in writing of the dismissal and the reasons for it. Dismissal does not impair Salem's ability to proceed with any appropriate investigatory or disciplinary actions under this Policy or another Salem policy or procedure and/or to provide Supportive Measures to the parties.

Either party may appeal a decision to dismiss a Formal Complaint or a portion of the allegations on the following grounds by submitting a written appeal to the Title IX Coordinator within five days of the issuance of the written notice of the dismissal: (1) procedural irregularity that affected the decision to dismiss; (2) new evidence that was not reasonably available at the time of dismissal and that could affect the outcome of the matter; or (3) the Title IX Coordinator or other participant in the dismissal having a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the decision to dismiss.

The Title IX Coordinator will promptly notify the other party of the appeal, and the non-appealing party may submit a response to the appeal within three days of notification of the appeal.

The Title IX Coordinator will appoint an appeal officer and will contemporaneously share the appeal officer's name and contact information with the Complainant and the Respondent.

Within two days of such appointment, the Complainant or the Respondent may identify to the Title IX Coordinator in writing alleged conflicts of interest or bias on the part of the appeal officer. The Title IX Coordinator will consider such statements and will promptly assign a different appeal officer if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

The Title IX Coordinator will forward the Formal Complaint and any documents upon which the dismissal decision was based, as well as the appeal and any response to the appeal to the appeal officer.

Within seven days of receipt of those materials, the appeal officer will determine whether any of the grounds for appeal warrant overturning or modifying the dismissal. Salem reserves the right to exceed this timeframe for good cause with notice to the Complainant and the Respondent of any delay. The decision by the appeal officer is final.

2A.06 Advisors

The Complainant and the Respondent may be accompanied to any meeting or proceeding under these Grievance Procedures by the advisor of their choice, who may be, but is not required to be, an attorney. Salem will not limit the choice or presence of the advisor for either the Complainant or the Respondent in any meeting or grievance proceeding, except that the advisor cannot be a witness identified by the Complainant or Respondent in the underlying case or a Salem official appointed to adjudicate the Formal Complaint. Advisors, however, are not allowed to disrupt any such meeting or proceeding or to speak on behalf of the Complainant or the Respondent, with the exception of cross-examination during any hearing conducted under these Grievance Procedures, which must be conducted by an advisor and never personally by the Complainant or the Respondent.

Parties must provide the name and contact of their advisor to the Title IX Coordinator in writing as soon as reasonably possible and must provide updated information if their advisor changes. All advisors will be required to assent to Salem's expectations for advisors.

If a party does not have an advisor present at the hearing, Salem will provide, without any charge to that party, an advisor of Salem's choice who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Absent accommodation for a disability, the Complainant and the Respondent typically may not be accompanied by more than one advisor or by other individuals during meetings or proceedings under these Grievance Procedures.

2A.07 Timing

Salem will make every reasonable effort to ensure that the investigation and resolution of a Formal Complaint occurs as timely and efficiently as possible. The timelines set forth in these Grievance Procedures are guidelines and may be altered for good cause with written notice to the Complainant and the Respondent of any delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; natural disasters, pandemic restrictions, and similar occurrences; or the need for language assistance or accommodation of disabilities.

Salem will strive to complete its investigation and resolution of a Formal Complaint (not including an appeal, if applicable) within 90 days of the receipt of the Formal Complaint, absent extenuating circumstances. Hearings (College) or decision maker review (Academy), as applicable, generally will take place within 20 days of the conclusion of the investigation. Within seven days of the conclusion of the hearing (College) or decision maker review (Academy), as applicable, both the Complainant and the Respondent will receive a final outcome letter. Salem reserves the right to exceed this timeframe for good cause with notice to the Complainant and the Respondent of any delay.

Either party may request an extension of any deadline by providing the Title IX Coordinator with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request. The Title IX Coordinator will review the request and will make a determination with regard to the request within three days.

2A.08 Written Notice of Meetings

Salem will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with sufficient time for the party to prepare to participate.

2A.09 Effect of Corollary Criminal Investigation

Salem's investigation may be delayed temporarily while criminal investigators are gathering evidence. In the event of such a delay, Salem will implement any appropriate Supportive Measures and will evaluate the need for other actions necessary to assist or protect the Complainant, the Respondent, and/or the Salem community.

Neither the results of a criminal investigation nor the decision of law enforcement to investigate or decline to investigate a matter is determinative of whether Title IX Sexual Harassment has occurred in the eyes of Salem.

2A.10 Emergency Removal and Administrative Leave

Salem may remove a Respondent from Salem's Education Program or Activity on an emergency basis, provided that Salem first undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Sexual Harassment justifies removal, provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal, and does so in accordance with the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, as applicable.

Additionally, Salem may place a non-student employee Respondent on administrative leave during the pendency of Salem's response to allegations of Title IX Sexual Harassment provided that it does so in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

2A.11 Effect of Respondent Withdrawal, Graduation, or Resignation During Grievance Process

At the discretion of Salem, a Respondent who withdraws or resigns from Salem during the pendency of a grievance process under these Grievance Procedures may be barred from Salem property and Salem activities and events and may be ineligible for re-enrollment or to be re-hired. If a Respondent completes all requirements to graduate during the grievance process, Salem may hold the Respondent's diploma until full resolution of the Formal Complaint.

2A.12 Conflicts of Interest, Bias, and Training

Salem will ensure that any individual designated by Salem as a Title IX Coordinator, investigator, decision-maker, or informal resolution facilitator under these Grievance Procedures does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. Salem ensures that investigators and decision makers are trained and unbiased, in order to evaluate all relevant and not otherwise impermissible evidence.

If any employee designated to participate in the investigation or resolution of a Formal Complaint is the Respondent or a relevant witness, then the Title IX Coordinator will appoint another employee to perform their duties. (If the Title IX Coordinator is the Respondent, then the President will appoint another employee to perform their duties.)

Salem also ensures that Title IX Coordinators, investigators, decision-makers, advisors, and informal resolution facilitators receive training, as applicable, on the definition of Title IX Sexual Harassment; the scope of Salem's Education Program or Activity; how to conduct an investigation and grievance process, including

hearings or decision maker review, appeals, and informal resolution processes; and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Salem further ensures that decision-makers receive training 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, and that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Additionally, Salem ensures that decision-makers receive training on any technology to be used at live hearings.

Materials used to train Title IX Coordinators, investigators, decision-makers, advisors, and informal resolution facilitators will not rely on sex stereotypes and promote impartial investigations and adjudications of Formal Complaints of Title IX Sexual Harassment.

2A.13 Burden of Proof

At all times, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Salem, not on either of the parties.

2A.14 Presumption of No Responsibility until Determination

Respondents are presumed to be not responsible for alleged Title IX Sexual Harassment until Salem makes a determination regarding responsibility pursuant to these Grievance Procedures.

2A.15 Objective Evaluation of All Relevant Evidence; Credibility Determinations

The investigators and decision-makers under these Grievance Procedures will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and will not make any credibility determinations based on a person's status as a Complainant, Respondent, or witness.

2A.16 Consolidation of Formal Complaints

Salem may consolidate Formal Complaints as to allegations of Title IX Sexual Harassment against more than one Respondent, by more than one Complainant against one or more Respondents, or by one party against the other party where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in these Grievance Procedures to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

B. THE INVESTIGATION

2B.01 Appointment of Investigators and Challenging of the Same

Unless a Formal Complaint is dismissed or the parties elect to participate in informal resolution, the Title IX Coordinator will promptly appoint one or more investigators. These investigators may be Salem employees, non-employees, or a combination of the two, and may be the Title IX Coordinator. The Title IX Coordinator will contemporaneously share the investigators' names and contact information with the Complainant and Respondent and also will forward a copy of the Formal Complaint to the investigators.

Within two days of such appointment, the Complainant or the Respondent may identify to the Title IX Coordinator in writing any alleged conflicts of interest or bias on the part of the assigned investigators. The Title IX Coordinator will consider such statements and will promptly assign a different investigator if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

2B.02 Investigators' Activities

Upon receipt of the Formal Complaint, the investigators will promptly begin their investigation, taking such steps as interviewing the Complainant, the Respondent, and witnesses (including expert witnesses, where applicable); summarizing such interviews in writing; collecting and reviewing relevant documents; visiting, inspecting, and taking or reviewing photographs of relevant sites; and collecting and reviewing other relevant evidence.

2B.03 Investigative Report and Evidence Review

The investigators will prepare a written investigative report that fairly summarizes relevant evidence and includes items such as the Formal Complaint, written statements of position, summaries or transcripts of all interviews conducted, photographs, descriptions of relevant evidence, and summaries or copies of relevant electronic records.

Prior to the completion of the investigative report, the investigators will send to each party and the party's advisor, if any, an electronic or hard copy of any evidence obtained during the investigation that is directly related to the allegations raised in the Formal Complaint, including (1) any evidence upon which Salem does not intend to rely in reaching a determination regarding responsibility; and (2) both inculpatory and exculpatory evidence.

The parties have ten days from the time that the evidence is provided to submit to the investigators a written response to the evidence. In the response, the parties may address the relevancy of any evidence that the parties believe should be included in or excluded from the investigative report and may also address any further investigation activities or questions that they believe are necessary. If a party wishes to submit additional evidence at this stage, they should explain how the evidence is relevant and why it was not previously provided.

The investigators will review and consider the parties' written submissions and may conduct additional investigative activities as appropriate prior to finalizing the investigative report. The need for additional investigative activities may result in a delay or extension to the timelines set forth in these Grievance Procedures.

At least ten days prior to the hearing (College) or decision maker review (Academy), as applicable, the investigators will send an electronic or hard copy of the investigative report to each party and the party's advisor, if any. Any response a party wishes to make to the investigative report may be included in that party's pre-hearing or pre-decision maker review statement, which is discussed in this Policy.

Due to the sensitive nature of the investigative report, neither the parties nor their advisors may copy, publish, photograph, print, image, record or in any other manner duplicate the report. Parties who violate these restrictions may be disciplined, and advisors who violate these restrictions may be disciplined and/or be barred from further participation in the grievance process.

Nothing in this document restricts the ability of either party to discuss the allegations under investigation or to gather, preserve, and/or present relevant evidence.

2B.04 Submission of Evidence; Expert Witnesses

Any evidence that the parties wish for the hearing officer or decision maker to consider should be presented to the investigators as early as possible during the investigation process. Evidence that is not submitted in a timely manner and prior to completion of the investigative report may be excluded from the hearing (College) or decision maker review (Academy), as applicable, at the discretion of the hearing officer or decision maker.

Similarly, all relevant witnesses should be identified to the investigators as early as possible during the investigation. The hearing officer or decision maker generally will not call or consider written statements from witnesses who were not identified to investigators and interviewed during the investigation. However, in their discretion and for good cause, the hearing officer or decision maker may choose to consider information from witnesses who were not interviewed during the investigation.

Any party who wishes to present testimony from an expert witness should identify that witness by providing the witness's name, contact information and a summary of (1) the witness's qualifications to offer expert testimony; and (2) any opinions the witness expects to offer related to the allegations or evidence. Any evidence upon which the witness relies must be provided to the investigators and will be made available to the other party and their advisor, as well as to any expert witness the other party has identified. This information must be provided as early as possible in the investigation and in no event later than finalization of the investigative report. The parties must make any expert witnesses available to be interviewed by investigators and to testify at the hearing or to respond to questions presented by the parties and decision maker prior to the decision maker review. If an expert witness is not available to provide live testimony at the hearing or to respond to questions presented by the parties and decision maker, as applicable, any information submitted by that expert must be disregarded.

2B.05 Treatment Records

Salem will not access, consider, disclose, or otherwise use in a grievance process any party's treatment records that are maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in their professional/paraprofessional capacity unless the party provides voluntary, written consent.

C. DECISION MAKER REVIEW AND APPEALS FOR COMPLAINTS INVOLVING ACADEMY (HIGH SCHOOL) STUDENTS[8]

2C.01 Formal Resolution Process

Unless a Formal Complaint is dismissed or the parties elect to participate in informal resolution pursuant to Section 2E below, following the investigation the appointed decision maker will conduct a review of the evidence and investigative report, provide a process for the parties to submit relevant questions to and receive responses from the parties and witnesses, and allow the parties to submit written statements for consideration by the decision maker. In advance of the decision maker review, the decision maker and the parties may submit questions to the investigators as necessary to clarify information provided in the investigative report.

2C.02 Appointment of Decision Maker and Challenging of the Same

The Title IX Coordinator will appoint one or more decision makers, which will serve as the decision maker regarding responsibility, and (as applicable) recommend sanctions. The decision maker may be a Salem employee or non-employee. The Title IX Coordinator will contemporaneously share the name(s) and contact information of the decision maker with the Complainant and the Respondent. The Title IX Coordinator will provide to the decision maker the Formal Complaint, all evidence directly related to the allegations, the parties' written responses to the evidence, and the investigative report.

Within two days of such appointment, the Complainant or the Respondent may identify to the Title IX Coordinator in writing any alleged conflicts of interest or bias on the part of the decision maker. The Title IX Coordinator will carefully consider such statements and will promptly assign a different decision maker if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

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[8] In the event of a Formal Complaint that involves an Academy student and a College student or an Academy student and a Salem employee, the formal resolution procedures set forth in Section 2D will apply.

2C.03 Notice of the Decision Maker Review and Opportunity to Present Questions

Promptly after the appointment of the decision maker and no less than ten days prior to the decision maker review, the decision maker will provide concurrent written notice to the Complainant and the Respondent and their advisors setting forth the date and time of the decision maker review. The written notice will provide the Complainant and the Respondent with an opportunity to submit written, relevant questions to the decision maker that either party wants asked of any party or witnesses within two days. On receipt of the questions, the decision maker will share the questions with the parties (and their advisors) and witnesses, as applicable, via electronic mail and direct that responses be submitted to the decision maker within two days. On receipt of the parties and witnesses' responses, the decision maker will share the responses with the Complainant and the Respondent and their advisors via electronic mail. The decision maker will then provide the Complainant and Respondent and their advisors with two days to allow for limited, follow-up questions from each party. If a party presents additional questions, the decision maker will share the questions with the parties (and their advisors) and witnesses, as applicable, and direct that responses be submitted to the decision maker within two days. Any final responses will be shared with the Complainant and the Respondent and their advisors prior to the decision maker deliberation. During this process, the decision maker may refrain from presenting questions received that are not relevant with notice and explanation provided to the presenting party and their advisor.

2C.04 Pre-Decision Deliberation Submissions

Each party may submit a written statement to the decision maker that includes any response the party wishes to make to the investigative report. Each party's pre-decision deliberation statement must be submitted at least five days prior to the decision maker's deliberation. The decision maker will share the statement with the other party, who may submit a response within two days.

2C.05 Evidentiary Matters

A Title IX decision maker deliberation does not take place within a court of law and is not bound by formal rules of evidence.

Evidence of and questions about the Complainant's sexual predisposition or prior sexual behavior are not relevant and will not be permitted or considered during the decision maker review process, with the following exceptions: (1) if 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 (2) if 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.

Evidence regarding the past sexual activity of the Respondent (regardless of whether the Respondent was formally investigated or found responsible for such conduct) may be permitted to show that the Respondent has engaged in a pattern of behavior similar to the alleged Title IX Sexual Harassment at issue before the decision maker, provided that the Respondent has not been found "not responsible" by Salem in a proceeding related to such conduct.

Salem will not access, consider, disclose, or otherwise use in a grievance process any party's treatment records that are maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in their professional/paraprofessional capacity unless the party provides voluntary, written consent. Questions and/or evidence that constitute or seek disclosure of information protected under a legally recognized privilege are not permitted, unless the person holding the privilege has waived the privilege in writing.

2C.06 Determination of the Decision Maker Regarding Responsibility

During the decision maker review, the decision maker will determine whether the evidence establishes that it is more likely than not[9] that the Respondent committed Title IX Sexual Harassment. The decision maker will render a finding of "Responsible" or "Not Responsible" and will provide the rationale for the decision. If the Respondent is found "Responsible," the decision maker will specify the type(s) of Title IX Sexual Harassment for which the Respondent is found "Responsible" (for example, Sexual Assault, Dating Violence, etc.). Information regarding the decision, including the rationale and sanctions (if applicable) will be communicated in the final outcome letter (as described below).

2C.07 Recommendation of the Decision Maker Regarding Sanctions

If the decision maker determines that the Respondent is "Responsible," they will recommend appropriate sanctions to be imposed on the Respondent.

Sanctions following a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline, or both. Sanctions for employees may include, but are not limited to, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, and compensation adjustments.

Sanctions for students may include, but are not limited to, expulsion or suspension from Salem, suspension-held-in-abeyance, disciplinary probation, social restrictions, expulsion or suspension from campus housing, relocation of campus residence, reassignment of classes, suspension or revocation of admission, or suspension or revocation of degree.

Other potential sanctions for Respondents may include, but are not limited to, written warning, mandated counseling, completion of an intervention program, completion of violence risk assessment, parental notification, and/or education sanctions (such as training, community service, reflection paper(s), and/or fines) as deemed appropriate by the decision maker.

In recommending sanctions, the decision maker will consider whether a sanction will bring an end to, prevent a recurrence of, and remedy the effects of the Title IX Sexual Harassment. The decision maker also will consider the impact of separating a student from their education. The appropriate sanctions for Sexual Assault generally will include at a minimum a period of separation from Salem.

The decision maker will forward their sanctions recommendation to the Title IX Coordinator, who will share it with the appropriate Salem officials for consideration in the context of the sanctioning guidelines, the Respondent's disciplinary history, the institution's handling of similar cases, and other relevant factors.

2C.08 Implementation of Sanctions

Sanctions generally are effective immediately upon issuance of the final outcome letter described below. However, if necessary to protect the welfare of the Complainant, Respondent, or Salem community, the decision maker may recommend and/or the Title IX Coordinator may determine that any sanctions are effective at any time after the conclusion of the decision maker review and continue in effect until the issuance of the final outcome letter.

2C.09 Final Outcome Letter

Within seven days after the decision maker review, the decision maker will issue a final outcome letter through the Title IX Coordinator to the Respondent and Complainant simultaneously. Salem reserves the right to exceed this timeframe for good cause with notice to the Complainant and the Respondent of any delay.

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[9] In other words, the standard of proof will be the preponderance of the evidence standard.

The final outcome letter will (1) name the Respondent; (2) identify the allegations potentially constituting Title IX Sexual Harassment; (3) describe procedural steps taken from the filing of the Formal Complainant through the determination; (4) provide findings of fact in support of the decision maker's determination; and (5) provide a statement of rationale for the result as to each allegation, including the responsibility determination and any sanctions.

2C.10 Appeals

The Complainant or the Respondent may appeal the decision of the decision maker regarding responsibility and/or the sanction(s) imposed on the Respondent.

The following are the only permissible grounds for an appeal of the decision maker's responsibility determination: (1) procedural irregularity that affected the outcome; (2) new evidence that was not reasonably available at the time of the determination and that could affect the outcome; and (3) the Title IX Coordinator, an investigator, or the decision maker had a conflict of interest or bias that affected the outcome.

Sanctions may only be appealed on the ground that the severity is incommensurate to the gravity of the Title IX Sexual Harassment for which the Respondent was found responsible.

Appeals must be submitted in writing to the Title IX Coordinator within five days from the date of the final outcome letter. The Title IX Coordinator will promptly inform the other party of the filing of the appeal. The other party will have three days from such notification to submit a written response to the appeal.

2C.11 Appointment of the Appeal Officer and Challenging of the Same

Upon receipt of an appeal, the Title IX Coordinator will appoint an appeal officer. Within two days of such appointment, the Complainant or the Respondent may identify to the Title IX Coordinator in writing alleged conflicts of interest or bias posed by assigning that appeal officer. The Title IX Coordinator will carefully consider such statements and will promptly assign a different appeal officer if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

2C.12 Appellate Review

The Title IX Coordinator will share the Formal Complaint, the investigative report, all statements presented to the decision maker, any other evidence considered by the decision maker, the decision maker's written findings, and the written appeal submissions with the appeal officer. In addition, if an appeal raises procedural issues, the Title IX Coordinator may provide the appeal officer additional information relevant to those issues.

Within ten days of the receipt of the appeal the appeal officer will determine (a) that the decision of the decision maker should stand; or (b) that the decision of the decision maker should be overturned and will issue a written explanation of that result and the rationale behind it.

In the event the decision maker determines that the decision of the decision maker should be overturned, the appeal officer will specify, after consultation with the Title IX Coordinator and other Salem administrators as necessary, the appropriate steps to be taken to come to a final resolution of the Formal Complaint (which may include another decision maker review before the same or a different decision maker).

D. HEARING AND APPEALS FOR COMPLAINTS INVOLVING COLLEGE STUDENTS AND/OR EMPLOYEES

2D.01 Formal Resolution Process

Unless a Formal Complaint is dismissed or the parties elect to participate in informal resolution pursuant to Section 2E below, following the investigation the appointed hearing officer will conduct a hearing in which

they may question the Complainant, the Respondent, and any witnesses whose testimony the hearing officer deems relevant. During the hearing, the hearing officer and the parties may also question the investigators as necessary to clarify information provided in the investigative report.

2D.02 Appointment of the Hearing Officer and Challenging of the Same

The Title IX Coordinator will appoint a hearing officer, who will administer the hearing, serve as the decision-maker regarding responsibility, and (as applicable) recommend sanctions. The hearing officer may be a Salem employee or non-employee. The Title IX Coordinator will contemporaneously share the hearing officer's name and contact information with the Complainant and the Respondent. The Title IX Coordinator will provide to the hearing officer the Formal Complaint, all evidence directly related to the allegations, the parties' written responses to the evidence, and the investigative report.

Within two days of such appointment, the Complainant or the Respondent may identify to the Title IX Coordinator in writing any alleged conflicts of interest or bias on the part of the hearing officer. The Title IX Coordinator will carefully consider such statements and will promptly assign a different hearing officer if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

2D.03 Notice of the Hearing

Promptly after the appointment of the hearing officer and no less than seven days prior to the hearing, the hearing officer will provide concurrent written notice to the Complainant and the Respondent setting forth the date, time, and location of the hearing. Any modifications to the hearing date, time, or location will be provided in writing to both parties prior to the date of the hearing.

2D.04 Pre-Hearing Submissions

Each party may submit a written statement to the hearing officer that includes any response the party wishes to make to the investigative report. Each party's pre-hearing statement must be submitted at least five days prior to the hearing. The hearing officer will share the statement with the other party, who may submit a response within two days.

2D.05 Failure to Appear

If any party, advisor, or witness fails to appear at the hearing after having been provided proper notice of the hearing as set forth above, then absent extenuating circumstances, the hearing officer will proceed with the hearing and issuance of their responsibility determination and, as applicable, sanction recommendation. Salem will provide an advisor to any party who attends the hearing unaccompanied.

2D.06 Evidentiary Matters

A Title IX hearing does not take place within a court of law and is not bound by formal rules of evidence.

Evidence of and questions about the Complainant's sexual predisposition or prior sexual behavior are not relevant and will not be permitted at the hearing, with the following exceptions: (1) if 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 (2) if 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.

Evidence regarding the past sexual activity of the Respondent (regardless of whether the Respondent was formally investigated or found responsible for such conduct) may be permitted to show that the Respondent has engaged in a pattern of behavior similar to the alleged Title IX Sexual Harassment at issue before the

hearing officer, provided that the Respondent has not been found "not responsible" by Salem in a proceeding related to such conduct.

Salem will not access, consider, disclose, or otherwise use in a grievance process any party's treatment records that are maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in their professional/paraprofessional capacity unless the party provides voluntary, written consent. Questions and/or evidence that constitute or seek disclosure of information protected under a legally recognized privilege are not permitted, unless the person holding the privilege has waived the privilege in writing.

Salem will make the evidence that the investigators provided to the parties for their review and inspection prior to finalization of the investigative report available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

2D.07 Conduct of the Hearing and Questioning of Witnesses and Parties

The hearing will be conducted with parties in separate rooms, using technology to ensure that each party can see and hear any party or witness answering questions. At the discretion of the hearing officer, the hearing may be conducted partially or entirely remotely, with any or all participants participating virtually.

The Complainant and the Respondent will have equal opportunity to address the hearing officer, if desired, and both the hearing officer and the parties' advisors will have the opportunity to question the other party and any witnesses, including investigators and expert witnesses. The hearing officer will first ask any questions of each party and each witness through direct examination. After the hearing officer has completed direct examination, the advisor for each party will have an opportunity to conduct a cross-examination of the other party and/or the witnesses. Any questions that a party has for a witness or the other party must be posed by the party's advisor. A party's advisor will not have the opportunity to question the party for whom they serve as advisor.

Before a party or witness answers a cross-examination question, the hearing officer will determine whether the question is relevant and allowed under these Grievance Procedures. For example, the hearing officer may exclude as not relevant duplicative questions or questions posed solely to harass a witness or the other party. The hearing officer will explain any decision to exclude a question.

If a party does not have an advisor present at the hearing, Salem will provide an advisor, at no cost to the party, to conduct cross-examination on behalf of that party.

Members of the Salem community are expected to provide truthful testimony, and any member of the Salem community who knowingly provides false information during this process is subject to discipline.

2D.08 Unavailability or Refusal to Testify or Submit to Cross-Examination

The Respondent and/or the Complainant may choose not to testify at the hearing; however, the exercise of that option will not preclude the hearing officer from making their responsibility determination and, as applicable, sanction recommendation regarding the Formal Complaint. The hearing officer will not draw an inference regarding responsibility or sanctions based solely on a party's or witness' absence from the hearing or refusal to testify or submit to cross-examination.

2D.09 Recording

Salem will record the hearing. This recording will be the only recording permitted of the proceedings and will be the property of Salem. The parties and the appeal officer may use the recording as part of the appeal process. Reasonable care will be taken to ensure a quality recording; however, technological problems that result in no recording or in an inaudible one will not affect the validity of the outcome of a hearing.

2D.10 Determination of the Hearing Officer Regarding Responsibility

Following the hearing, the hearing officer will determine whether the evidence establishes that it is more likely than not[10] that the Respondent committed Title IX Sexual Harassment. The hearing officer will render a finding of "Responsible" or "Not Responsible" and will provide the rationale for the decision. If the Respondent is found "Responsible," the hearing officer will specify the specific type(s) of Title IX Sexual Harassment for which the Respondent is found "Responsible" (for example, Sexual Assault, Dating Violence, etc.). Information regarding the decision, including the rationale and sanctions (if applicable) will be communicated in the final outcome letter (as described below).

2D.11 Recommendation of the Hearing Officer Regarding Sanctions

If the hearing officer determines that the Respondent is "Responsible," they will recommend appropriate sanctions to be imposed on the Respondent.

Sanctions following a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline, or both. Sanctions for employees may include, but are not limited to, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, and compensation adjustments.

Sanctions for students may include, but are not limited to, expulsion or suspension from Salem, suspension-held-in-abeyance, disciplinary probation, social restrictions, expulsion or suspension from campus housing, relocation of campus residence, reassignment of classes, suspension or revocation of admission, or suspension or revocation of degree.

Other potential sanctions for Respondents may include, but are not limited to, written warning, mandated counseling, completion of an intervention program, completion of violence risk assessment, parental notification, and/or education sanctions (such as training, community service, reflection paper(s), and/or fines) as deemed appropriate by the hearing officer.

In recommending sanctions, the hearing officer will consider whether a sanction will bring an end to, prevent a recurrence of, and remedy the effects of the Title IX Sexual Harassment. The hearing officer also will consider the impact of separating a student from their education. The appropriate sanctions for Sexual Assault generally will include at a minimum a period of separation from Salem.

The hearing officer will forward their sanctions recommendation to the Title IX Coordinator, who will share it with the appropriate Salem officials for consideration in the context of the sanctioning guidelines, the Respondent's disciplinary history, the institution's handling of similar cases, and other relevant factors.

2D.12 Implementation of Sanctions

Sanctions generally are effective immediately upon issuance of the final outcome letter described below. However, if necessary to protect the welfare of the Complainant, Respondent, or Salem community, the hearing officer may recommend and/or the Title IX Coordinator may determine that any sanctions are effective at any time after the conclusion of the hearing and continue in effect until the issuance of the final outcome letter.

2D.13 Final Outcome Letter

Within seven days after the hearing, the hearing officer will issue a final outcome letter through the Title IX Coordinator to the Respondent and Complainant simultaneously. Salem reserves the right to exceed this timeframe for good cause with notice to the Complainant and the Respondent of any delay.

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[10] In other words, the standard of proof will be the preponderance of the evidence standard.

The final outcome letter will (1) name the Respondent; (2) identify the allegations potentially constituting Title IX Sexual Harassment; (3) describe procedural steps taken from the filing of the Formal Complainant through the determination; (4) provide findings of fact in support of the hearing officer's determination; and (5) provide a statement of rationale for the result as to each allegation, including the responsibility determination and any sanctions.

2D.14 Appeals

The Complainant or the Respondent may appeal the decision of the hearing officer regarding responsibility and/or the sanction(s) imposed on the Respondent.

The following are the only permissible grounds for an appeal of the hearing officer's responsibility determination: (1) procedural irregularity that affected the outcome; (2) new evidence that was not reasonably available at the time of the determination and that could affect the outcome; and (3) the Title IX Coordinator, an investigator, or the hearing officer had a conflict of interest or bias that affected the outcome.

Sanctions may only be appealed on the ground that the severity is incommensurate to the gravity of the Title IX Sexual Harassment for which the Respondent was found responsible.

Appeals must be submitted in writing to the Title IX Coordinator within five days from the date of the final outcome letter. The Title IX Coordinator will promptly inform the other party of the filing of the appeal. The other party will have three days from such notification to submit a written response to the appeal.

2D.15 Appointment of the Appeal Officer and Challenging of the Same

Upon receipt of an appeal, the Title IX Coordinator will appoint an appeal officer. Within two days of such appointment, the Complainant or the Respondent may identify to the Title IX Coordinator in writing alleged conflicts of interest or bias posed by assigning that appeal officer. The Title IX Coordinator will carefully consider such statements and will promptly assign a different appeal officer if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

2D.16 Appellate Review

The Title IX Coordinator will share the Formal Complaint, the investigative report, the hearing recording, all statements introduced at the hearing, any other evidence considered by the hearing officer, the hearing officer's written findings, and the written appeal submissions with the appeal officer. In addition, if an appeal raises procedural issues, the Title IX Coordinator may provide the appeal officer additional information relevant to those issues.

Within ten days of the receipt of the appeal the appeal officer will determine (a) that the decision of the hearing officer should stand; or (b) that the decision of the hearing officer should be overturned and will issue a written explanation of that result and the rationale behind it.

In the event that the appeal officer determines that the decision of the hearing officer should be overturned, the appeal officer will specify, after consultation with the Title IX Coordinator and other Salem administrators as necessary, the appropriate steps to be taken to come to a final resolution of the Formal Complaint (which may include another hearing before the same hearing officer or a different one).

E. INFORMAL RESOLUTION

2E.01 Determination of Formal Versus Informal Resolution

At any time before the issuance of the responsibility determination, the parties may elect to resolve the Formal Complaint through the informal resolution process, provided that (1) the parties both voluntarily consent in

writing to such resolution; (2) both parties are students or employees of Salem; and (3) the Title IX Coordinator determines that informal resolution is an appropriate mechanism for resolving that specific complaint. Otherwise, a Formal Complaint that is not dismissed will proceed to a hearing. Informal resolution is not an appropriate mechanism for resolving a Formal Complaint by a student against an employee.

Informal resolution may not be selected for less than all of the misconduct alleged in the Formal Complaint. If the parties agree to informal resolution (and informal resolution is appropriate for all of the allegations at issue), then all of the allegations must be resolved according to the informal resolution process.

Either party has the right to terminate the informal resolution process at any time and proceed with formal resolution (i.e., a full investigation and hearing). Furthermore, the Title IX Coordinator may, where appropriate, terminate informal resolution and proceed with the formal resolution process instead.

2E.02 Notice of Allegations and Notice of Informal Resolution and Facilitator

The Title IX Coordinator will provide the parties a written notice disclosing the allegations and the requirements of the informal resolution process, including any circumstances under which Salem would preclude the parties from resuming a Formal Complaint arising from the same allegations.

When a Formal Complaint is to be resolved according to the informal resolution process, the Title IX Coordinator will designate a trained individual to serve as the informal resolution facilitator. The Title IX Coordinator will contemporaneously share the name of the informal resolution facilitator with the Complainant and the Respondent.

Within two days of such notification, the Complainant or Respondent may identify to the Title IX Coordinator in writing alleged conflicts of interest or bias posed by assigning that facilitator. The Title IX Coordinator will carefully consider such statements and will promptly assign a different facilitator if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

2E.03 Facilitated Resolution

The informal resolution facilitator will meet separately with each party to review the informal resolution process and the allegations in the Formal Complaint and to identify the outcome that each party seeks from the informal resolution process. If the facilitator determines that it would be productive for both parties to attend a resolution meeting, the facilitator will provide written notice to the Complainant and the Respondent setting forth the date, time, and location of that meeting. At the request of either party or at the discretion of the informal resolution facilitator, the meeting may occur with the parties in different locations or meetings with parties may take place on different dates.

Both the Complainant and the Respondent are expected to participate in the informal resolution process. If either party fails to participate, the Title IX Coordinator may direct that the formal resolution process proceed.

During informal resolution, the parties may: (1) engage one another in the presence of, and/or facilitated by, the informal resolution facilitator; (2) communicate their feelings and perceptions regarding the incident and the impact of the incident (either by communicating directly with one another or by communicating indirectly through the informal resolution facilitator); (3) relay their wishes and expectations regarding the future; and/or (4) come to an agreed-upon resolution of the allegations in the Formal Complaint.

Participation in the informal resolution process is completely voluntary, and either party, the informal resolution facilitator, or the Title IX Coordinator may terminate the process at any time.

2E.04 Resolution

The informal resolution facilitator will attempt to facilitate the parties' resolution of the Formal Complaint. If this process results in a resolution between the parties and the Title IX Coordinator finds the resolution to be appropriate under the circumstances (giving consideration to factors including the extent to which the resolution will protect the safety of the Complainant and the entire Salem community), the resolution will be reduced to writing, which will conclude the process and close the Formal Complaint.

2E.05 Written Resolution Agreement

To be effective, any agreement reached during the informal resolution process must be memorialized in writing and signed by the parties, the informal resolution facilitator, and the Title IX Coordinator. If a Respondent completes all measures agreed to in the written resolution agreement, no further process is available with regard to the allegations in the Formal Complaint.

Measures that parties agree to in the informal resolution process may include (but are not limited to):

1) Alcohol education training for the Respondent;
2) Completion of online sexual harassment training;
3) Completion of an intervention program;
4) Regular meetings with an appropriate individual, unit or resource;
5) Permanent or temporary no contact order;
6) Restrictions for participation in certain activities, organizations, programs or classes;
7) Change in residential assignment or restrictions on access to certain residence halls or apartments;
8) Restriction of participation in certain events;
9) Reflection paper or written apology;
10) Counseling sessions; and/or
11) The Respondent's completion of an educational or behavioral plan.

2E.06 Termination of Informal Resolution Process

At any time prior to completing a written resolution agreement, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint. If either party terminates the informal resolution process or Salem determines that the informal resolution process is no longer appropriate, the formal resolution process outlined above will promptly resume.

2E.07 Confidentiality of Information Shared

Any information that the parties share during the informal resolution process may not be used in any other investigation or proceeding at Salem.

2E.08 Timeframe

The informal resolution process generally will be completed within 30 days of the parties' agreement to the informal resolution process.

2E.09 Appeal

A resolution reached pursuant to the informal resolution process is final and not subject to appeal.

2E.10 Records

A resolution reached through the informal resolution process will not be included in a student Respondent's student conduct record or in an employee Respondent's personnel record, unless the inclusion of such information is agreed to as part of the informal resolution of the matter. The Title IX Coordinator will retain a record of the written resolution agreement for no less than seven years.

SECTION III. NON-TITLE IX SEXUAL MISCONDUCT GRIEVANCE PROCEDURES

A. APPLICABILITY, COMPLAINT INTAKE, AND OVERARCHING PROVISIONS

3A.01 Applicability and Preliminary Assessment

These Grievance Procedures apply to Formal Complaints of Non-Title IX Sexual Misconduct and may also be used to investigate and address allegations of, and impose sanctions for, alleged misconduct that arises out of the same facts or circumstances as the alleged Non-Title IX Sexual Misconduct at issue, even if such related misconduct is not, when standing alone, governed by this Policy, and to investigate and address counterclaims and allegations of Retaliation, providing false information, and/or interfering with an investigation that arise out of the same facts or circumstances.

3A.02 Initial Outreach to Complainant

Upon receipt of a Formal Complaint of Non-Title IX Sexual Misconduct against a Salem student, employee, or third-party, the Title IX Coordinator will contact the Complainant to discuss the availability of Supportive Measures and to explain the grievance process.

3A.03 Filing a Formal Complaint for Non-Title IX Sexual Misconduct

As noted in the Definitions section, a Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment or Non-Title IX Sexual Misconduct against a Respondent and requesting that Salem investigate the allegation of Title IX Sexual Harassment or Non-Title IX Sexual Misconduct. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail by using the contact information listed for the Title IX Coordinator in the Appendices.

When the Title IX Coordinator believes that, with or without the Complainant's desire to participate in a grievance process, a non-deliberately indifferent response to the allegations requires an investigation, the Title IX Coordinator has the discretion to initiate the grievance process by signing a Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under these Grievance Procedures. Furthermore, initiation of a Formal Complaint by the Title IX Coordinator is not sufficient alone to imply bias or that the Title IX Coordinator is taking a position adverse to the Respondent.

Once a Formal Complaint is initiated, an alleged victim will be referred to as a "Complainant," and an alleged perpetrator will be referred to as a "Respondent."

3A.04 Notice of Allegations

Upon receipt of a Formal Complaint of Non-Title IX Sexual Misconduct, the Title IX Coordinator will provide the Complainant and any known Respondent written notice of these Grievance Procedures and of the allegations of conduct potentially constituting Non-Title IX Sexual Misconduct, including sufficient details known at the time and with at least five days to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Non-Title IX Sexual Misconduct, and the date and location of the alleged incident, if known.

The written notice will include a statement 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. The written notice also will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and that at appropriate junctures the parties and their advisors may review and inspect evidence collected during the investigation. Additionally, the written notice will inform the parties of

Salem's prohibition on knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, Salem decides to investigate allegations of Non-Title IX Sexual Misconduct involving the Complainant or Respondent that are not included in the original written notice of allegations, Salem will provide notice of the additional allegations to the parties whose identities are known.

3A.05 Dismissal

Salem *may* dismiss a Formal Complaint or a portion of the allegations therein if (1) the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; (2) the Respondent is no longer enrolled or employed at Salem; or (3) despite efforts to do so, Salem is unable to gather evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

In the event the Title IX Coordinator determines that dismissal of a Formal Complaint or a portion of the allegations is appropriate, the Title IX Coordinator will promptly notify the parties in writing of the dismissal and the reasons for it. Dismissal does not impair Salem's ability to proceed with any appropriate investigatory or disciplinary actions under this Policy or another Salem policy or procedure and/or to provide Supportive Measures to the parties.

Either party may appeal a decision to dismiss a Formal Complaint or a portion of the allegations on the following grounds by submitting a written appeal to the Title IX Coordinator within five days of the issuance of the written notice of the dismissal: (1) procedural irregularity that affected the decision to dismiss; (2) new evidence that was not reasonably available at the time of dismissal and that could affect the outcome of the matter; or (3) the Title IX Coordinator or other participant in the dismissal having a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the decision to dismiss.

The Title IX Coordinator will promptly notify the other party of the appeal, and the non-appealing party may submit a response to the appeal within three days of notification of the appeal.

The Title IX Coordinator will appoint an appeal officer and will contemporaneously share the appeal officer's name and contact information with the Complainant and the Respondent.

Within two days of such appointment, the Complainant or the Respondent may identify to the Title IX Coordinator in writing alleged conflicts of interest or bias on the part of the appeal officer. The Title IX Coordinator will consider such statements and will promptly assign a different appeal officer if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

The Title IX Coordinator will forward the Formal Complaint and any documents upon which the dismissal decision was based, as well as the appeal and any response to the appeal to the appeal officer.

Within seven days of receipt of those materials, the appeal officer will determine whether any of the grounds for appeal warrant overturning or modifying the dismissal. Salem reserves the right to exceed this timeframe for good cause with notice to the Complainant and the Respondent of any delay. The decision by the appeal officer is final.

3A.06 Advisors

The Complainant and the Respondent may be accompanied to any meeting or proceeding under these Grievance Procedures by the advisor of their choice, who may be, but is not required to be, an attorney. Salem will not limit the choice or presence of the advisor for either the Complainant or the Respondent in any meeting or grievance proceeding, except that the advisor cannot be a witness identified by the Complainant or

Respondent in the underlying case. Advisors, however, are not allowed to disrupt any such meeting or proceeding or to speak on behalf of the Complainant or the Respondent.

Parties must provide the name and contact of their advisor to the Title IX Coordinator in writing as soon as reasonably possible and must provide updated information if their advisor changes. All advisors will be required to assent to Salem's expectations for advisors.

Absent accommodation for a disability, the Complainant and the Respondent typically may not be accompanied by more than one advisor or by other individuals during meetings or proceedings under these Grievance Procedures.

3A.07 Timing

Salem will make every reasonable effort to ensure that the investigation and resolution of a Formal Complaint occurs as timely and efficiently as possible. The timelines set forth in these Grievance Procedures are guidelines and may be altered for good cause with written notice to the Complainant and the Respondent of any delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; natural disasters, pandemic restrictions, and similar occurrences; or the need for language assistance or accommodation of disabilities.

Salem will strive to complete its investigation and resolution of a Formal Complaint (not including an appeal, if applicable) within 90 days of the receipt of the Formal Complaint, absent extenuating circumstances. Salem reserves the right to exceed this timeframe for good cause with notice to the Complainant and the Respondent of any delay.

Either party may request an extension of any deadline by providing the Title IX Coordinator with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request. The Title IX Coordinator will review the request and will make a determination with regard to the request within three days.

3A.08 Written Notice of Meetings

Salem will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with sufficient time for the party to prepare to participate.

3A.09 Effect of Corollary Criminal Investigation

Salem's investigation may be delayed temporarily while criminal investigators are gathering evidence. In the event of such a delay, Salem will implement any appropriate Supportive Measures and will evaluate the need for other actions necessary to assist or protect the Complainant, the Respondent, and/or the Salem community.

Neither the results of a criminal investigation nor the decision of law enforcement to investigate or decline to investigate a matter is determinative of whether Non-Title IX Sexual Misconduct has occurred in the eyes of Salem.

3A.10 Emergency Removal and Administrative Leave

Salem may remove a Respondent from Salem's Education Program or Activity on an emergency basis, provided that Salem first undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Non-Title IX Sexual Misconduct justifies removal, provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal, and does so in accordance with the Individuals with

Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, as applicable.

Additionally, Salem may place a non-student employee Respondent on administrative leave during the pendency of Salem's response to allegations of Non-Title IX Sexual Misconduct provided that it does so in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

3A.11 Effect of Respondent Withdrawal, Graduation, or Resignation During Grievance Process

At the discretion of Salem, a Respondent who withdraws or resigns from Salem during the pendency of a grievance process under these Grievance Procedures may be barred from Salem property and Salem activities and events and may be ineligible for re-enrollment or to be re-hired. If a Respondent completes all requirements to graduate during the grievance process, Salem may hold the Respondent's diploma until full resolution of the Formal Complaint.

3A.12 Conflicts of Interest and Bias

Salem will ensure that any individual designated by Salem as a Title IX Coordinator, investigator, or informal resolution facilitator under these Grievance Procedures does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

If any employee designated to participate in the investigation or resolution of a Formal Complaint is the Respondent or a relevant witness, then the Title IX Coordinator will appoint another employee to perform their duties. (If the Title IX Coordinator is the Respondent, then the President will appoint another employee to perform their duties.)

3A.13 Burden of Proof

At all times, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Salem, not on either of the parties.

3A.14 Presumption of No Responsibility Until Determination

Respondents are presumed to be not responsible for alleged Non-Title IX Sexual Misconduct until Salem makes a determination regarding responsibility pursuant to these Grievance Procedures.

3A.15 Objective Evaluation of All Relevant Evidence; Credibility Determinations

The investigators under these Grievance Procedures will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and will not make any credibility determinations based on a person's status as a Complainant, Respondent, or witness.

3A.16 Consolidation of Formal Complaints

Salem may consolidate Formal Complaints as to allegations of Non-Title IX Sexual Misconduct against more than one Respondent, by more than one Complainant against one or more Respondents, or by one party against the other party where the allegations of Non-Title IX Sexual Misconduct arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in these Grievance Procedures to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

B. INVESTIGATION, OUTCOME, AND APPEALS

3B.01 Appointment of Investigators and Challenging of the Same

Unless a Formal Complaint is dismissed or the parties elect to participate in informal resolution, the Title IX Coordinator will promptly appoint one or more investigators. These investigators may be Salem employees, non-employees, or a combination of the two, and may be the Title IX Coordinator. The Title IX Coordinator will contemporaneously share the investigators' names and contact information with the Complainant and Respondent and also will forward a copy of the Formal Complaint to the investigators.

Within two days of such appointment, the Complainant or the Respondent may identify to the Title IX Coordinator in writing any alleged conflicts of interest or bias on the part of the assigned investigators. The Title IX Coordinator will consider such statements and will promptly assign a different investigator if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

3B.02 Investigators' Activities

Upon receipt of the Formal Complaint, the investigators will promptly begin their investigation, taking such steps as interviewing the Complainant, the Respondent, and witnesses (including expert witnesses, where applicable); summarizing such interviews in writing; collecting and reviewing relevant documents; visiting, inspecting, and taking or reviewing photographs of relevant sites; and collecting and reviewing other relevant evidence.

3B.03 Submission of Evidence; Expert Witnesses.

Any evidence that the parties wish for the investigators to consider should be presented to the investigators as early as possible during the investigation process. Similarly, all relevant witnesses should be identified to the investigators as early as possible during the investigation.

Any party who wishes to present testimony from an expert witness should identify that witness by providing the witness's name, contact information and a summary of (1) the witness's qualifications to offer expert testimony; and (2) any opinions the witness expects to offer related to the allegations or evidence. Any evidence upon which the witness relies must be provided to the investigators and will be made available to the other party and their advisor, as well as to any expert witness the other party has identified. This information must be provided as early as possible in the investigation. The parties must make any expert witnesses available to be interviewed by investigators.

3B.04 Evidentiary Matters

The investigators are not bound by formal rules of evidence.

Evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant and will not be considered by the investigators, with the following exceptions: (1) if the evidence about the Complainant's prior sexual behavior is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or (2) if the evidence concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

Evidence regarding the past sexual activity of the Respondent (regardless of whether the Respondent was formally investigated or found responsible for such conduct) may be considered to show that the Respondent has engaged in a pattern of behavior similar to the alleged Non-Title IX Sexual Misconduct, provided that the Respondent has not been found "not responsible" by Salem in a proceeding related to such conduct.

Salem will not access, consider, disclose, or otherwise use in a grievance process any party's treatment records that are maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in their professional/paraprofessional capacity unless the party provides voluntary, written consent.

3B.05 Investigative Report and Evidence Review

The investigators will prepare a written investigative report that includes a statement of the allegations and issues and a summary of the evidence considered.

Prior to the completion of the investigative report, the investigators will send to each party and the party's advisor, if any, an electronic or hard copy of any evidence obtained during the investigation that is directly related to the allegations raised in the Formal Complaint, including (1) any evidence upon which Salem does not intend to rely in reaching a determination regarding responsibility; and (2) both inculpatory and exculpatory evidence.

The parties have ten days from the time that the evidence is provided to submit to the investigators a written response to the evidence. In the response, the parties may address the relevancy of any evidence that the parties believe should be included in or excluded from the investigative report and may also address any further investigation activities or questions that they believe are necessary. If a party wishes to submit additional evidence at this stage, they should explain how the evidence is relevant and why it was not previously provided.

The investigators will review and consider the parties' written submissions and may conduct additional investigative activities as appropriate prior to finalizing the investigative report. The need for additional

investigative activities may result in a delay or extension to the timelines set forth in these Grievance Procedures.

Following the completion of the additional investigative activities, if any, the investigators will complete the investigative report. The investigative report will include a determination regarding whether the evidence establishes that it is more likely than not[11] that the Respondent committed Non-Title IX Sexual Misconduct. The investigators will render a finding of "Responsible" or "Not Responsible," and if the Respondent is found "Responsible," the investigators will specify the specific type(s) of Non-Title IX Sexual Misconduct for which the Respondent is found "Responsible." The investigative report will include the rationale for the investigators' findings. The investigative report will also contain a recommendation for sanctions or other remedies to resolve the complaint and will address other allegations and issues included in the investigation because they arise out of the same facts or circumstances as the Non-Title IX Sexual Misconduct at issue.

The parties may request to review a copy of the investigative report subject to institutional policy and/or applicable laws governing privacy and access to personal information. Due to the sensitive nature of the investigative report, neither the parties nor their advisors may copy, publish, photograph, print, image, record or in any other manner duplicate the report. Parties who violate these restrictions may be disciplined, and advisors who violate these restrictions may be disciplined and/or be barred from further participation in the grievance process.

Nothing in this document restricts the ability of either party to discuss the allegations under investigation or to gather, preserve, and/or present relevant evidence.

3B.06 Range of Sanctions

Sanctions following a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline, or both. Sanctions for employees may include, but are not limited to, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, and compensation adjustments.

Sanctions for students may include, but are not limited to, expulsion or suspension from Salem, suspension-held-in-abeyance, disciplinary probation, social restrictions, expulsion or suspension from campus housing, relocation of campus residence, reassignment of classes, suspension or revocation of admission, or suspension or revocation of degree.

Other potential sanctions for Respondents may include, but are not limited to, written warning, mandated counseling, completion of an intervention program, completion of violence risk assessment, parental notification, and/or education sanctions (such as training, community service, reflection paper(s), and/or fines) as deemed appropriate by the hearing officer.

In recommending sanctions, the investigator will consider whether a sanction will bring an end to, prevent a recurrence of, and remedy the effects of the Non-Title IX Sexual Misconduct. The investigator also will consider the impact of separating a student from their education. The appropriate sanctions for Sexual Assault generally will include at a minimum a period of separation from Salem.

The investigator will forward their sanctions recommendation to the Title IX Coordinator, who will share it with the appropriate Salem officials for consideration in the context of the sanctioning guidelines, the Respondent's disciplinary history, the institution's handling of similar cases, and other relevant factors.

[11] In other words, the standard of proof will be the preponderance of the evidence standard.

3B.07 Final Outcome Letter

The Complainant and the Respondent will be informed in writing of the completion of the investigation and the outcome of the investigation by the Title IX Coordinator. The final outcome letter will provide an explanation of responsibility and, if applicable, sanctions or other remedies to resolve the complaint. Sanctions generally are effective immediately upon issuance of the final outcome letter described below.

3B.08 Bases for Appeal

The Complainant and Respondent may appeal the decision of the investigator regarding responsibility and/or the sanction(s) imposed on the Respondent.

The following are the only permissible grounds for an appeal of the decision maker's responsibility determination: (1) procedural irregularity that affected the outcome; (2) new evidence that was not reasonably available at the time of the determination and that could affect the outcome; and (3) the Title IX Coordinator, an investigator, or the decision maker had a conflict of interest or bias that affected the outcome.

Sanctions may only be appealed on the ground that the severity is incommensurate to the gravity of the Non-Title IX Sexual Misconduct for which the Respondent was found responsible.

Appeals must be submitted in writing to the Title IX Coordinator within five days from the date of the final outcome letter. The Title IX Coordinator will promptly inform the other party of the filing of the appeal. The other party will have three days from such notification to submit a written response to the appeal.

3B.09 Appointment of the Appeal Officer and Challenging of the Same

Upon receipt of an appeal, the Title IX Coordinator will appoint an appeal officer. Within two days of such appointment, the Complainant or the Respondent may identify to the Title IX Coordinator in writing alleged conflicts of interest or bias posed by assigning that appeal officer. The Title IX Coordinator will carefully consider such statements and will promptly assign a different appeal officer if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

3B.10 Appellate Review

The Title IX Coordinator will share the Formal Complaint, the investigative report, any other evidence considered by the investigators, and the written appeal submissions with the appeal officer. In addition, if an appeal raises procedural issues, the Title IX Coordinator may provide the appeal officer additional information relevant to those issues.

Within ten days of the receipt of the appeal the appeal officer will determine (a) that the decision of investigators should stand; or (b) that the decision of the investigators should be overturned and will issue a written explanation of that result and the rationale behind it. Salem reserves the right to exceed this timeframe for good cause with notice to the Complainant and the Respondent of any delay.

In the event that the appeal officer determines that the decision of the investigators should be overturned, the appeal officer will specify, after consultation with the Title IX Coordinator and other Salem administrators as necessary, the appropriate steps to be taken to come to a final resolution of the Formal Complaint.

Any sanctions imposed following the investigation will remain in effect pending the outcome of an appeal and/or the subsequent determination of outcome if the case is remanded for further investigation or appointment of a new investigator.

C. INFORMAL RESOLUTION

3C.01 Determination of Formal Versus Informal Resolution

At any time before the issuance of the responsibility determination, the parties may elect to resolve the Formal Complaint through the informal resolution process, provided that (1) the parties both voluntarily consent in writing to such resolution; and (2) the Title IX Coordinator determines that informal resolution is an appropriate mechanism for resolving that specific complaint.

Informal resolution may not be selected for less than all of the misconduct alleged in the Formal Complaint. If the parties agree to informal resolution (and informal resolution is appropriate for all of the allegations at issue), then all of the allegations must be resolved according to the informal resolution process.

Either party has the right to terminate the informal resolution process at any time and proceed with formal resolution. Furthermore, the Title IX Coordinator may, where appropriate, terminate informal resolution and proceed with the formal resolution process instead. If either party terminates the informal resolution process or Salem determines that the informal resolution process is no longer appropriate, the formal resolution process outlined above will promptly resume.

3C.02 Informal Resolution Facilitator

When a Formal Complaint is to be resolved according to the informal resolution process, the Title IX Coordinator will designate a trained individual to serve as the informal resolution facilitator. The Title IX Coordinator will contemporaneously share the name of the informal resolution facilitator with the Complainant and the Respondent.

Within two days of such notification, the Complainant or Respondent may identify to the Title IX Coordinator in writing alleged conflicts of interest or bias posed by assigning that facilitator. The Title IX Coordinator will carefully consider such statements and will promptly assign a different facilitator if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

3C.03 Facilitated Resolution

The informal resolution facilitator will meet separately with each party to review the informal resolution process and the allegations in the Formal Complaint and to identify the outcome that each party seeks from the informal resolution process. If the facilitator determines that it would be productive for both parties to attend a resolution meeting, the facilitator will provide written notice to the Complainant and the Respondent setting forth the date, time, and location of that meeting. At the request of either party or at the discretion of the informal resolution facilitator, the meeting may occur with the parties in different locations or meetings with parties may take place on different dates.

Both the Complainant and the Respondent are expected to participate in the informal resolution process. If either party fails to participate, the Title IX Coordinator may direct that the formal resolution process proceed.

During informal resolution, the parties may: (1) engage one another in the presence of, and/or facilitated by, the informal resolution facilitator; (2) communicate their feelings and perceptions regarding the incident and the impact of the incident (either by communicating directly with one another or by communicating indirectly through the informal resolution facilitator); (3) relay their wishes and expectations regarding the future; and/or (4) come to an agreed-upon resolution of the allegations in the Formal Complaint.

The informal resolution facilitator will attempt to facilitate the parties' resolution of the Formal Complaint. If this process results in a resolution between the parties and the Title IX Coordinator finds the resolution to be appropriate under the circumstances (giving consideration to factors including the extent to which the

resolution will protect the safety of the Complainant and the entire Salem community), the resolution will be reduced to writing, which will conclude the process and close the Formal Complaint.

3C.04 Written Resolution Agreement

To be effective, any agreement reached during the informal resolution process must be memorialized in writing and signed by the parties, the informal resolution facilitator, and the Title IX Coordinator. If a Respondent completes all measures agreed to in the written resolution agreement, no further process is available with regard to the allegations in the Formal Complaint.

Measures that parties agree to in the informal resolution process may include (but are not limited to):

1) Alcohol education training for the Respondent;
2) Completion of online sexual harassment training;
3) Completion of an intervention program;
4) Regular meetings with an appropriate individual, unit or resource;
5) Permanent or temporary no contact order;
6) Restrictions for participation in certain activities, organizations, programs or classes;
7) Change in residential assignment or restrictions on access to certain residence halls or apartments;
8) Restriction of participation in certain events;
9) Reflection paper or written apology;
10) Counseling sessions; and/or
11) The Respondent's completion of an educational or behavioral plan.

3C.05 Confidentiality and Timeframe

Any information that the parties share during the informal resolution process may not be used in any other investigation or proceeding at Salem. The informal resolution process generally will be completed within 30 days of the parties' agreement to the informal resolution process.

3C.06 Appeals and Records

A resolution reached pursuant to the informal resolution process is final and not subject to appeal. A resolution reached through the informal resolution process will not be included in a student Respondent's student conduct record or in an employee Respondent's personnel record, unless the inclusion of such information is agreed to as part of the informal resolution of the matter. The Title IX Coordinator will retain a record of the written resolution agreement for no less than seven years.

SECTION IV. ABUSE OR NEGLECT OF MINORS

Any person who has cause to suspect that a person under the age of eighteen (18) is abused, neglected, or dependent, as defined by North Carolina General Statutes 7B-301, has a reporting obligation under North Carolina law and must immediately notify the Title IX Coordinator (Academy and College), Head of School (Academy), or Vice President for Academic and Student Affairs (College), who will then take appropriate

action in reporting the situation to the Director of the Department of Social Services in the county where the minor resides or is located. State law requires mandatory reporting of suspected abuse or neglect of any minor.

SECTION V. RELATIONSHIPS INVOLVING POWER DIFFERENTIAL

Salem prohibits romantic or sexual relationships between faculty/staff and students and between employees in supervisory/subordinate positions. All romantic or sexual advances and amorous relationships of any kind by faculty/staff toward students who are minors are strictly prohibited.

APPENDICES

Contact Information for Salem Support Resources and Reporting Options

In response to sex discrimination and harassment, including Title IX Sexual Harassment and Non-Title IX Sexual Misconduct, individuals may contact the following Salem reporting and support resources to empower and support students and families:

A. NON-CONFIDENTIAL Campus Reporting and Support Resources

Title IX Coordinator
Nicole Hundt
(336) 917-5786
titleix@salem.edu
Clewell 101

Salem Public Safety Office
(336) 917-5555
publicsafety@salem.edu
Main Hall, Basement Level
Operates 24 hours a day, 7 days a week

OTHER ACADEMY RESOURCES

Academy Head of School
Kristina (Kris) Sorrells
336.917.5524
kris.sorrells@salem.edu

AcademyDean of Students
Nicole Gatto
nicole.gatto@salem.edu

Executive Director of Residential Life
Nicole Hundt
(336) 721-5786
nicole.hundt@salem.edu

Academy Learning Specialist
Joann Caligiuri
joann.caligiuri@salem.edu

OTHER COLLEGE RESOURCES

College Dean of Students
Jennifer Borrero

(336) 917-2765

jennifer.borerro@salem.edu

Director of Academic Support &
Student Accessibility Services
Ida Turner Davis, Director

(336) 721-2822
academic.support@salem.edu

Director of Advising and Retention
D'Nea Spencer
(336) 721-2645
dnea.spencer@salem.edu

OTHER ACADEMY AND COLLEGE RESOURCES

Office of Human Resources and Benefits
(336) 917-5721
hr@salem.edu

Financial Aid Office
financial.aid@salem.edu

B. CONFIDENTIAL Campus Reporting and Support Resources

Reports made to a ***Confidential Reporting Resource*** **(Salem Counseling Services, Health Services, and Chaplain)** allow a student to receive access to Salem support resources and information without invoking the grievance procedures contained in this Policy. Confidential resources can provide students with information about medical care and treatment, counseling, safety planning, academic/housing, and any other assistance that may be needed in response to sexual misconduct.

Academy Counselor *(Confidential Resource)*
Amber Harrington
(336) 917-5883
amber.harrington@salem.edu

College Student Counseling Services *(Confidential Resource)*
Amber Kelley, Novant Health Director of Counseling Services
(336) 721-2625
Gramley Hall, Basement Level

Health Services (*Confidential Resource*)
(336) 721-2713
Clewell Basement

C. Local Community Resources for Seeking Safety, Medical, and Emotional Health Assistance

In addition to coordinating with Salem reporting and support resources, individuals may contact the following local community resources for assistance:

1. Local Law Enforcement

Winston Salem Police Department:

- Emergencies: 911
- Non-Emergencies: (336) 773-7700
    - For reports of sexual assault or other sex-related crimes to law enforcement, the investigation is conducted by police with cooperation by Salem Public Safety and the Title IX Coordinator. The Office of the County District Attorney decides whether to initiate criminal prosecution after an individual files criminal charges with police. Any prosecution occurs in the criminal courts. If an individual chooses to file both criminal charges with law enforcement and a complaint under this Policy, these processes may occur simultaneously and independently. An investigation under this Policy by Salem may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

2. **Medical Care and Treatment and SANE Services**

Novant Health / Forsyth Medical Center
3333 Silas Creek Parkway, Winston-Salem, NC 27103
(336) 718-5000

Wake Forest Baptist Medical Center
Medical Center Blvd, Winston-Salem, NC 27157
(336) 716-2011

- These local hospitals have sexual assault nurse examiners (SANE) available to conduct physical exams for collecting evidence ("rape kit") to support criminal prosecution as may be requested by the victim. It is not required that victims file a police report in order to receive a confidential exam or medical treatment from a sexual assault nurse examiner. Individuals should seek medical assistance as soon as possible following sexual assault.
- In order to maintain confidentiality, if victims do not want information about their medical care sent to their home address, they should not provide the hospital with a home address or identification card (such as an insurance card) that lists or is linked to a home address.

3. Family Services (Victim Advocacy and Safety Planning)

1200 S. Broad Street
Winston-Salem, NC 27101
Phone: 336.722.8173
Toll free: 1.800.316.5513
Crisis Line: 336.723.8125 (Available 24/7)
Sexual Assault Crisis Line: 336.722.4457 (Available 24/7)
Email: info@familyservicesforsyth.org
Website: www.familyservicesforsyth.org
Safe Relationships: https://familyservicesforsyth.org/find-help/safe-relationships/

- Family Services is a local non-profit organization serving residents of Forsyth County, North Carolina and located approximately one mile from campus, which provides confidential victim advocate support for survivors of sexual assault and intimate partner violence 24 hours per day, 7 days per week. Family Services also provides the following kinds of services: counseling, assistance finding shelter, safety planning, assistance obtaining protective orders. Receiving assistance from Family Services does not require filing criminal charges.

4. **Bridges to Hope Family Justice Center (*by Family Services* for Protective Orders and Legal Advocates)**

   725 North Highland Avenue, Annex 1
   Winston-Salem, NC 27101
   Phone: 336.776.3255
   Email: info@familyservicesforsyth.org
   Website: www.familyservicesforsyth.org

   - "One Stop Shop" of key service providers – law enforcement, victim advocates, legal advocates, social services – to minimize the stress and trauma of navigating the court system.

Suggested Actions for People Who Have Experienced Sexual Assault

If you have experienced sexual assault, Salem's first priority is to help you take steps to address your safety, medical needs, and emotional well-being. You are encouraged to take the following actions, as applicable, regardless of whether you have made a decision about whether to pursue a criminal or Salem complaint.

1. **Ensure Your Physical Safety.**

You may seek help from **local law enforcement agencies** or by contacting the **Salem Public Safety Office**. Salem Public Safety can assist you with contacting law enforcement and can help you obtain transportation to the local law enforcement office. Officers are on duty at the Salem Public Safety Office 24 hours a day, seven days a week.

2. **Seek Medical Assistance and Treatment.**

Local medical care resources with sexual assault nurse examiners (SANE) and the option for having a SANE evidence collection kit ("rape kit") completed include: Wake Forest Baptist Hospital and Forsyth Medical Center. It is crucial that you obtain medical attention as soon as possible after a sexual assault, for example, to determine the extent of physical injury and to prevent or treat sexually transmitted diseases (such as HIV). Medical facilities can also screen for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs).

Salem Public Safety can help you obtain transportation to a local hospital and can help you contact a support person, such as a family member, a friend, or a roommate.

If you choose to have an evidence collection (rape kit) completed, it is important to do so within 72 hours. To preserve evidence, it is advisable to avoid showering, bathing, going to the bathroom, or brushing your teeth before an evidence collection kit is completed. You should also wear (or take with you in a paper – not plastic – bag) to the hospital the same clothing that you were wearing during the assault. An evidence collection kit can still be completed even if you have showered or bathed.

Even if you have not decided whether to file charges, it is advisable to have the evidence collection kit completed so that you can better preserve the options of obtaining a protective order and/or filing criminal charges at a later date.

3. **Obtain Emotional Support**

Salem Counseling Services can help students sort through their feelings and begin the recovery process. Salem's professional counselors are trained to provide crisis intervention on short-term and emergency issues. Counseling Services can also provide referral services for outside providers and law enforcement. Counseling is free of charge to all students. In some instances, the law may require the disclosure of information shared by students with counselors. However, absent a legal mandate to the contrary, counseling services are strictly confidential, are not part of students' records, and will not be reported to other Salem personnel.

Employees may contact the Employee Assistance Program (EAP) to obtain emotional support. For information about EAP options and benefits, contact the Director of Human Resources and Benefits at hr@salem.edu.

4. **Obtain Information/Report Misconduct**

You are encouraged to report incidents of sexual assault to Salem by notifying the Title IX Coordinator (even if you have filed a report directly with law enforcement). The Title IX Coordinator can help you access resources and can provide you with support and information, including information on Salem's procedures for investigating and addressing instances of sexual assault and related misconduct.

Bystander Intervention and Risk Reduction

Bystander Intervention. Bystander intervention is the safe and positive intervention into a situation by a person or group when there is a risk of sexual assault, domestic violence, dating violence, stalking, or other criminal conduct occurring as a means to prevent it. In the context of sexual assault/relationship violence, bystander intervention involves recognizing the warning signs, understanding the cultural and institutional conditions that perpetuate sexual and relationship violence, overcoming the barriers to taking action, identifying safe and effective ways to intervene, and taking action to stop of the offending conduct.

Examples of ways that you can consider safely and positively intervening in a situation as a bystander may include:

- Contacting Public Safety at (336) 917-5555 or the Winston-Salem Police Department at 911 to report suspicious activity;
- Creating a distraction that enables someone to avoid or escape a dangerous situation (e.g., interrupting someone about to engage in misconduct by asking them the time or directions);
- Encouraging someone to stop or minimize the consumption of alcohol or drugs that impair their ability to consent to sexual activity;
- Helping someone exit a dangerous situation by getting them home safely and securely (e.g., when someone is under the influence of or incapacitated by drugs or alcohol);
- Ensuring that someone suffering from depression, mental illness, or trauma in response to sexual assault or relationship violence has access to support resources (available from Public Safety and the Title IX Office);
- Speaking up when someone makes a comment that perpetuates sex or gender-based harassment and sexual myths;
- Being an "on-call" support person whom someone can contact in the event of an emergency or while on a date, at a party, or in other new settings; and
- Telling someone who has suffered from sexual assault or relationship violence "you are not alone" and "when you are ready, there are confidential resources available to help you on campus and in our community."

In the event of an emergency, you should contact Public Safety at (336) 917-5555 or the Winston-Salem Police Department by dialing 911.

Risk Reduction. In addition to bystander intervention practices, avoiding and being cognizant of risk where possible is an important means for preventing crimes. While sexual/relationship violence is never the fault of the victim, there are certain behaviors that can increase the risk of sexual/relationship violence. Risk reduction is intended to decrease crimes and bystander inaction, empower victims, promote safety, and help the Salem community and its members address conditions that facilitate criminal conduct. General risk reduction measures include:

- Learning the warning signs of sexual/relationship violence and seeking assistance from trusted campus or off-campus support resources in response to "red flag" behavior;
- Avoiding the consumption of food and beverages left unattended and when alone in a public place or with strangers;
- Using a trusted "buddy-system" when going to parties, events, or other on-campus or off-campus functions and having a plan for how to get help and support one another in an unsafe situation;
- Avoiding the disclosure of personally identifying information to strangers;
- Being cautious about disclosing your location and personal information on social media;
- Avoiding the acceptance of rides from strangers;

- Remaining aware of your settings in public at all times and avoiding the use of loud music or devices that interfere with your focus on environmental conditions around you;
- Developing an emergency alert message that you can discretely send by text or other means to support persons who can help you get immediate assistance or exit a dangerous situation; and
- Making certain that trusted support persons know your plans when going out somewhere or with someone new.

Individuals can avoid being perpetrators of sexual misconduct by obtaining consent that is clearly communicated and freely given from their partners and engaging in sexual activity only when there is a mutual willingness and readiness to participate.