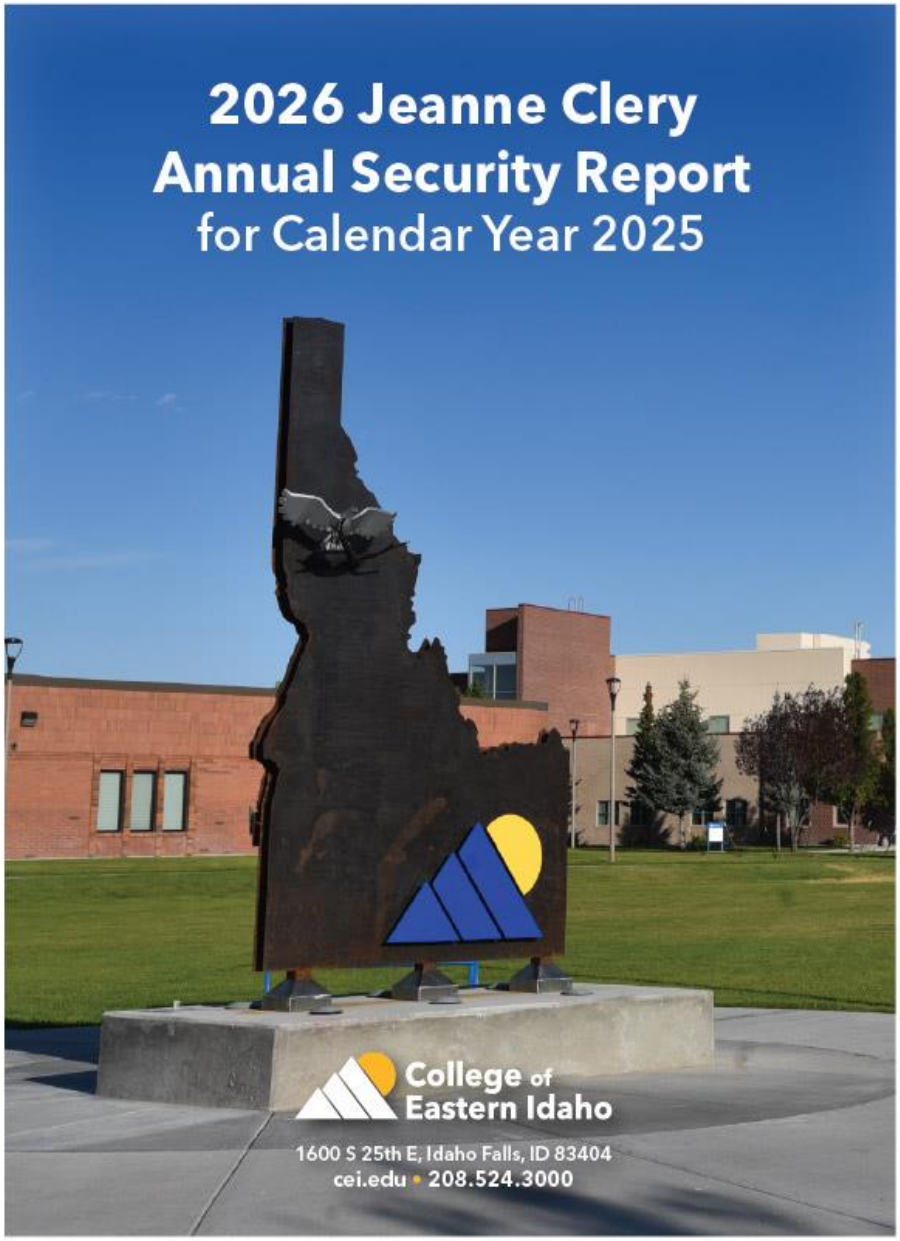
2026 Jeanne Clery Annual Security Report
for Calendar Year 2025



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JEANNE CLERY CAMPUS SAFETY ACT

This annual report is prepared as part of College of Eastern Idaho's (CEI) ongoing commitment to the safety and security of our students. The Annual Safety and Fire Report (ASR) is made publicly available online and/or in hard-copy format no later than October 1st of each calendar year. CEI has a vested interest in the safety of its students, employees, and visitors. The report can be accessed at the CEI website (cei.edu) under the "Students Right to Know" tab http://www.cei.edu/student-right-to-know and a notification with a digital copy and the exact URL is sent out to all students at the time it is published. Prospective employees may access the CEI webpage under the Students Right to Know tab. The crime logs can also be accessed at both the website and Student Affairs. The CEI Title IX page and Hazing page can be referenced on the CEI website in the Student Handbook. https://www.cei.edu/student-handbook-policies CEI will provide a paper copy of the report upon request to the Dean of Students' office located in Student Affairs.

What is the Jeanne Clery Campus Safety Act?

The Clery Act is a federal law that requires institutions of higher education to disclose information on crimes that take place on college campuses and to disclose certain crime statistics. The purpose of the Clery Act and this report is to provide the college community and others with complete crime statistic information. It is named after Jeanne Clery, a 19-year-old college student who was assaulted and murdered in her residence hall on April 5, 1986. The Clery Act was passed in her honor in the hopes that it would allow college students to make informed decisions to help them stay safe.

To ensure compliance with the **Jeanne Clery Campus Safety Act,** Title IX, the DCL, HEOA, SaVE and VAWA, the College of Eastern Idaho (CEI), must provide certain public information required by federal law as part of its Annual Security and Fire Report. CEI is required to:

- Collect crime reports and statistics for reported crimes on all campuses and certain public locations for the previous three years.
- Establish and issue emergency notifications and timely warnings for certain crimes that might represent an ongoing threat to the campus community.
- Publish an annual security and fire safety report which includes CEI policies for campus security and fire safety.
- Submit crime and fire statistics to the U.S. Department of Education.
- Maintain a daily crime log and fire log, and hazing log.
- Provide prevention and awareness programs related to dating violence, domestic violence, hazing, sexual assault and stalking.
- Establish policies for disciplinary action in cases of dating violence, domestic violence, sexual assault and stalking.

CEI prepares the ASR and gathers statistics in collaboration with the Dean of Students, the Clery Coordinator, Campus Safety Department and other departments as well as local law enforcement agencies surrounding the campus and other properties where students attend classes. The Dean of Students, the Clery Coordinator, and other departments extract the appropriate data and create a crime log that is without the inclusion of personally identifying information about the victim(s). It includes statistics for our Idaho Falls campus and Workforce Training campus, one classroom at University Place, CHE222, as well as outreach in Salmon, Idaho as defined by The Jeanne Clery Campus Safety Act regulations. Currently a Fire Safety Report is not required for CEI because it does not own or control any on-campus student housing. The information regarding CEI policies contained in this report refers to all campus locations unless otherwise stated.

Crime Statistics Tables

CEI is required under the Jeanne Clery Campus Safety Act to provide crime statistics related to its campuses and other locations by the calendar year. The following crime statistics have been compiled for 2023, 2024, and 2025 from incidents reported to or discovered by CEI security, local law enforcement agencies, and to other officials associated with the college who are a designated Campus Security Authority (CSA) as defined in the Jeanne Clery Campus Safety Act. The crime is compiled on an on-going basis and reviewed annually every year. They do not reflect any report that might be made to other departments or individuals at the college unless those departments or individuals informed security or the local police of the incident. Victims or witnesses can report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. This report, along with crime statistics, is published following the requirements of the Clery Act.

To provide context to the crime statistics tables, the number of victims is listed for a given incident in the statistics column for different crime classifications. For instance, if an aggravated assault occurs and there are three victims, it would be counted as three assaults on the table. However, if three students were walking across the campus together and were robbed, that would count as one instance of robbery. The number reflected includes one offense per distinct operation. In the case of motor vehicle theft, each vehicle stolen is counted as one statistic.

In any case that involves alcohol, drug or weapons violations, the statistics will show the number of people arrested by law enforcement or referred to the Dean of Students or other college departments for possible disciplinary action.

Statistics for dating violence, domestic violence, and stalking could be included in the statistics report and reported separately under the VAWA section as defined by the Jeanne Clery Campus Safety Act. For example, if an aggravated assault also was domestic violence, it would be shown as one incident of aggravated assault and one incident of domestic violence in the VAWA category.

Statistics for hate crimes are reported in a narrative form and separated by the category of prejudice. Hate crimes are not separate, distinct crimes, but the commission of a crime that is motivated by the offender's bias. A hate crime is based on the perception of the offender, and there must be evidence that the offender was motivated by prejudice to commit the crime. The Hierarchy rule does not apply to hate crimes.

Table 1: Crime Statistics for the Idaho Falls campus. Table 1 includes crime statistics for the Idaho Falls campus, public property immediately adjacent to and accessible from them, used for education purposes and non-campus would be our Workforce Training Center at 101 Technology Drive and 240 Technology Drive and one classroom at University Place CHE222. The Idaho Falls campus and Workforce Training Center campus have no on-campus housing.

CRIME	YEAR	ON-CAMPUS	PUBLIC PROPERTY	NON-CAMPUS	UNFOUNDED
MURDER/NON-NEGLIGENT MANSLAUGHTER	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
MANSLAUGHTER BY NELIGENCE	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
SEX OFFENSES RAPE	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
SEX OFFENSES FONDLING	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
SEX OFFENSES INCEST	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
SEX OFFENSES STATUATORY RAPE	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
WEAPONS POSSESSION	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
DRUG LAW VIOLATION	2023	1	0	0	0
	2025	0	0	0	0
LIQUOR LAW	2023	0	0	0	0
	2024	0	0	0	0

VIOLATION	2025	0	0	0	0
ROBBERY	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
AGGRAVATED ASSAULT	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
BURGLARY	2023	1	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
MOTOR VEHICLE THEFT	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
ARSON	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
HAZING	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
ARRESTS	**YEAR**	**ON-CAMPUS**	**PUBLIC PROPERTY**	**NON-CAMPUS**	**UNFOUNDED**
ILLEGAL WEAPONS POSSESSION	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
DRUG LAW VIOLATION	2023	1	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
LIQUOR LAW VIOLATION	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0

DISCIPLINARY ACTION	YEAR	ON-CAMPUS	PUBLIC PROPERTY	NON-CAMPUS	UNFOUNDED
ILLEGAL WEAPONS	2023	0	0	0	0
	2024	0	0	0	0

POSSESSION	2025	0	0	0	0
DRUG	2023	0	0	0	0
LAW	2024	0	0	0	0
VIOLATION	2025	0	0	0	0
LIQUOR	2023	0	0	0	0
LAW	2024	0	0	0	0
VIOLATION	2025	0	0	0	0

VAWA OFFENSES					
CRIME	YEAR	ON-CAMPUS	PUBLIC PROPERTY	NON-CAMPUS	UNFOUNDED
DOMESTIC	2023	1	0	0	0
VIOLENCE	2024	0	0	0	0
	2025	0	0	0	0
DATING	2023	0	0	0	0
VIOLENCE	2024	0	0	0	0
	2025	0	0	0	0
STALKING	2023	1	0	0	0
	2024	1	0	0	0
	2025	1	0	0	0

Hate Crimes: 2023, simple assault, gender hate crime. There were no Hate crimes in 2024 or 2025

No Campus Hazing Transparency Report (CHTR) was prepared for 2025 as there were no incidents of hazing reported

CRIME	YEAR	SALMON OUTREACH	PUBLIC PROPERTY	NON-CAMPUS	UNFOUNDED
MURDER/NON-	2023	0	0	0	0
NEGLIGENT	2024	0	0	0	0
MANSLAUGHTER	2025	0	0	0	0
MANSLAUGHTER	2023	0	0	0	0
BY	2024	0	0	0	0
NEGLICENCE	2025	0	0	0	0
SEX	2023	0	0	0	0
OFFENSES	2024	0	0	0	0
RAPE	2025	0	0	0	0

SEX	2023	0	0	0	0
OFFENSES	2024	0	0	0	0
FONDLING	2025	0	0	0	0
SEX	2023	0	0	0	0
OFFENSES	2024	0	0	0	0
INCEST	2025	0	0	0	0
SEX	2023	0	0	0	0
OFFENSES	2024	0	0	0	0
STATUATORY RAPE	2025	0	0	0	0
WEAPONS	2023	0	0	0	0
POSSESSION	2024	0	0	0	0
	2025	0	0	0	0
DRUG	2023	0	0	0	0
LAW	2024	0	0	0	0
VIOLATION	2025	0	0	0	0
LIQUOR	2023	0	0	0	0
LAW	2024	0	0	0	0
VIOLATION	2025	0	0	0	0
AGGRAVATED	2023	0	0	0	0
ASSAULT	2024	0	0	0	0
BURGLARY	2025	0	0	0	0
MOTOR	2023	0	0	0	0
VEHICLE	2024	0	0	0	0
THEFT	2025	0	0	0	0
ARSON	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
HAZING					
	2025	0	0	0	0

Hate Crimes No hate crimes were reported for 2023, 2024 or 2025

VAWA Offenses	

CRIME	YEAR	SALMON OUTREACH	PUBLIC PROPERTY	NON-CAMPUS	UNFOUNDED
DOMESTIC VIOLENCE	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
DATING VIOLENCE	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
STALKING	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0

*To the extent that these statistics differ from statistics published in previous annual security reports, the statistics in this report reflect the most current information available to the university.

CEI Campus Safety Department

There is a campus safety office on the main Idaho Falls campus that is available in person or on call to aid and provide oversite of all events and functions and to assist students, faculty, staff and visitors. Security cameras and card access systems are located throughout the campus and are monitored by campus safety. The Campus Safety Department is under the leadership of the Director of Campus Safety who reports to the Executive Director of Operations who reports to the Vice President of Finance and Operations. The Campus Safety Department promotes cooperation and conflict resolution to establish the best atmosphere for effective learning and social interaction.

Reporting Crimes and Emergencies and Timely Warnings

Anyone witnessing a criminal action, suspicious circumstances, emergency or safety-related incident on or near campus should contact the CEI Campus Safety Department at 208-604-4597. If it is an emergency requiring police or EMT/ambulance/fire involvement, they should call 911 first, then campus safety at the number above. The CEI Campus Safety office is in Building 1, Room 115 on the main campus at 1600 S 25th E in Idaho Falls, ID.

Victims and witnesses always have the option to report incidents to a "Campus Security Authority" (CSA). CSAs are individuals whose roles at CEI involve building relationships with students. They are trained to understand The Clery Act and Title IX regulations and are familiar with the appropriate reporting procedures to ensure that allegations of crimes or concerning situations are properly addressed. CEI recognizes that these individuals often have informal, mentoring relationships with students, but their primary responsibility is to report any allegations of crimes shared with them to the institution's established reporting structure.

CSAs are typically identified by their titles. At CEI, these include academic advisors, club advisors, campus safety personnel, Human Resources staff, the Dean of Students, the Director of the Counseling Center, summer camp counselors, the Director of Student Life, the Senior Coordinator for Student Accessibility Services, counselors at The Center for New Directions, the Early College team, student officers, and the Career and College Readiness team. If you witness a crime or wish to report being a victim of a crime on campus, you can contact the Campus Safety Department, or any of the CSA's listed above.

The Campus Safety Department has jurisdiction over all on-campus buildings as well as the Workforce Training facilities and properties that are owned and/or controlled by CEI. They have no jurisdiction or enforcement authority outside of this scope. Any properties owned and/or controlled by CEI that are not part of the Idaho Falls campus receive police services from the local jurisdiction in which the sites are located.

CEI's use of Maxient software allows students, staff and administration to report concerns or crimes. They can report anonymously or not and allow CEI to handle concerns in a safe and supportive way with the goal of connecting individuals to resources they need. The link to report using Maxient is: https://cm.maxient.com/reporting.php?CollegeofEasternID=

CEI policy states that it is important for students and/or staff to report crimes or emergencies immediately so that campus safety and/or police or other emergency personnel can act in a timely manner, prevent crime and provide notification to and/or protection for the campus, if necessary. Safety is the responsibility of all students, instructors, staff, management, and employees. Ultimately, while CEI offers services and prevention strategies to improve the safety of our campus community, each individual is responsible for his/her own personal safety. CEI expects students and/or staff to avoid any risk to their own safety and if they are witnesses to a crime or emergency that security and/or the police be notified to make sure that victims are safe and that others on the campus are not at risk when a crime occurs.

Incidents that occur on campus and involve members of the campus community are documented and forwarded for further review, depending on the situation, to determine if it is a Clery Act or Title IX violation. If students are involved, the reports are forwarded to the Dean of Students who has the authority to sanction students for violation of CEI policy. This is outlined in the Student Handbook at https://www.cei.edu/student-handbook-policies and at CEI's website at https://cei.edu/hr/policies-procedures/student-affairs?p=907#_Toc115335233 Incident reports involving employees will be forwarded to Human Resources for review of possible policy violations. If an incident of alleged sexual misconduct, relationship violence or intimate partner abuse, stalking, or other acts are reported, the incident will be documented and referred to the Title IX office for review. Incident reports may also be forwarded to other departments on a need-to-know basis.

The Campus Safety Department at CEI does not have official powers of arrest authority, and they are not sworn peace officers. They are easily identified by their uniforms which clearly identify them to campus staff and students; they are armed, and they carry appropriate equipment to respond to a multitude of situations. If possible, Campus Safety should be notified of any incident to be present to evaluate any campus emergency or crime and provide as much protection as possible. They will always take each report of crime or information about an emergency and investigate it with due diligence. They will also document the incident for those who are responsible for providing campus emergency notifications or timely warnings and for Clery reporting purposes.

CEI is required, under the Clery Act, to have and disclose emergency response and evacuation procedures that would be used in response to an emergency or dangerous situation involving immediate threat to the health or safety of students or employees that occur on campus. They are intended to ensure that CEI is prepared and able to identify any weaknesses. It also assures that CEI has appropriate policies in place to inform the campus community and individuals in the event of an emergency. CEI policy and the Clery Act require testing of emergency response and evacuation procedures on an annual basis. If an incident occurs on the campus, the Campus Safety Department is the designated Incident Commanders until they are relieved by the President, Vice President(s) or another person designated by the President. The Incident Commander, President or Vice President(s) is responsible for making decisions and initiating emergency responses or evacuating buildings. Evacuation maps are posted throughout the campus and inside buildings which show primary and alternative routes to escape the building.

CEI emergency response policy states that in most cases Campus Safety responds to reports of crimes or emergencies that occur on the campus, and they will work closely with CEI administration in determining what kind of warning, if any, will be sent and the mode that will be used. CEI policy states that notifications for emergencies and evacuations will be multi-modal including text messages, digital signage, and email. Anyone that has an emergency situation should call 911, then contact Campus Safety. This allows both Campus Safety and the administration to determine the appropriate segment or segments of the campus to notify, and which notification process will work best. Any student or employee can report an emergency situation to the Campus Safety Department, their supervisor, the Dean of Students, or Human Resources. The Campus Safety Department and CEI Administration will assess whether the crime should be included in the daily crime log and annual disclosure of crime statistics report. Campus Safety or the Incident Commander will also follow up on any emergency to ensure that the situation is under control, and no further warnings need to be disseminated.

The following positions are authorized to send out approved messages using the RAVE Alert System for notifying the campus of an emergency or a Timely Warning depending on the circumstances:

1. Vice President of Finance and Operations
2. Vice President of Academics

3. Executive Director of Operations
4. Director of Campus Safety
5. Campus Safety Officer, Team Lead

CEI will, without delay, and while considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate an emergency. Warnings are considered, but not required, for crimes that occur outside the institution's identified geography that have been reported and may represent a threat to campus. These will be evaluated on a case-by-case basis. CEI has used institutions like Eastern Idaho Public Health to confirm COVID-19 outbreaks and report important information to the campus and would act on a report or notification from a security office/officer in an outreach area as well as information from outreach police departments.

- An **emergency notification** is one that is triggered by an event that is occurring currently or is an imminent threat to the campus. CEI will initiate emergency notification procedures for any significant emergency or dangerous situation that occurs on the campus that would involve an immediate threat to the health or safety of students or employees. CEI will initiate procedures upon confirmation of a dangerous situation if an emergency exists or threatens. Those notices can be multi-modal, which would include emails, digital signage, and text messages.
- A **Timely Warning** is triggered by the report of a Clery crime to an authority or local law enforcement that is occurring or has already occurred and is an ongoing threat. The intent of a **Timely Warning** is to warn the college community of criminal activity occurring on or near the campus to give everyone a chance to protect themselves by taking precautions to provide for their own safety. The decision to send a **Timely Warning** will be made on a case-by-case basis in light of all the facts, including nature of the crime, continuing danger to the campus community and possible risk of compromising law enforcement efforts. It is not required when a report is made to a pastoral or professional counselor. CEI will issue a **Timely Warning** for any Clery Act crime on Clery Geography that is considered by the institution to represent a serious or continuing threat to students, visitors, camp attendees and/or employees. CEI will issue a warning as soon as the pertinent information is available. Under the Clery Act, **Timely Warnings** are provided to students and employees in a manner that is prompt and withholds the names of victims as confidential. It will give the date of the incident, the location, nature, and how to report a similar occurrence. It is issued to aid in the prevention of similar crimes. Anyone with information that might warrant a **Timely Warning** should report it immediately to the Campus Safety Department by calling 208-604-4597.
- CEI would not typically distribute a **Timely Warning** in situations of delayed reporting from the date of the incident. A report that is filed days after the date of the alleged

incident may not allow any warning to be "timely". In a situation such as this, CEI would not have any opportunity to react or respond.

When confirmation is made of a significant emergency or dangerous situation, CEI uses the notification system known as RAVE Alert. This allows campus officials to send out multi-modal notifications in a rapid manner to any internet connected device by text, email, voice call, digital signage, social media, and desk-top alert. This system is tested twice a year to make sure students, staff, faculty, and administration receive the alerts and know how to properly react to them depending on the instructions.

The mode of dissemination and its content is determined by the Director of Campus Safety, the Executive Director of Operations, the Vice-President of Academics and the Dean of Students. If the warning requires campus closure it is determined under the direction of the President of CEI. The authorized individuals determine what types of alerts are appropriate to best notify the campus, and which segments of the campus community should receive one. Urgent warnings and emergency notifications are always sent by text and email so that messages are received as quickly as possible; especially if there are circumstances in which students need to protect themselves or evacuate a building. However, the RAVE system will allow for choices of modes, and CEI can choose to supplement email and text messages with any or all other options. If the emergency requires evacuation, each building has alarms that can be activated. At least once a year there is a fire drill so that students and employees can practice exiting the building and finding a gathering spot so that instructors or managers can account for their personnel or students and notify first responders or campus officials if anyone is missing or unaccounted for

RAVE allows CEI to send alerts to all staff, faculty, and students with targeted messages. Some examples of an emergency or dangerous situation are:

- Outbreak of a serious illness such as meningitis, Covid-19 or other
- Approaching tornado, hurricane or other extreme weather condition
- Earthquake
- Gas leak
- Terrorist incident
- Armed intruder
- Bomb threat
- Civil unrest
- Explosion
- Nearby chemical or hazardous waste spill

A **Timely Warning** will typically include the following information unless it would compromise law enforcement:

- Date, time and location of the incident
- A brief description of the incident

- Crime prevention information that will promote safety and potentially aid in the prevention of similar crimes
- Suspect description when deemed appropriate and if there is sufficient detail to distinguish a suspect
- Contact numbers for the Campus Safety Department and/or local law enforcement
- Other information as applicable.

The Vice President of Human Resources and Marketing is responsible for notifying television or radio if it has been determined to be in the best interests of protecting neighborhoods or providing information about the situation.

When a student enrolls at CEI, their CEI provided email address is automatically entered into the emergency notification system. Students will receive an email from the school with instructions for entering additional contact information (i.e. cell phone number) and a choice of how they would like to receive notifications.

CEI policy states that a **Timely Warning** should be issued to the campus when a crime is reported so that students, faculty, administration, staff and visitors are able to protect themselves, shelter in place or evacuate. CEI will issue a warning as soon as pertinent information is available, even if security or police are not in possession of all facts. The warning will contain information about the type of criminal incident that has occurred, if it is a continuing threat to the campus, and can be updated as additional information becomes available. A **Timely Warning** is not limited to violent crimes or crimes against persons; it can be used for crimes that represent threats to property and may include non-Clery Act incidents. The warning will include information that allows the campus community to protect themselves, promote safety, and prevent similar crimes. CEI will consult with local law enforcement to request that they keep security informed and updated about any crime that might require a **Timely Warning**.

A secondary method of crime reporting is to contact an identified Campus Security Authority (CSA). CSA is a Clery-specific term that encompasses groups of individuals associated with the college. CSAs are trained to report any allegations of criminal acts made in good faith to the Campus Safety Department, the Dean of Students and/or Human Resources. They are also trained in how and when to submit reports and what to provide in a report.

Daily Crime Log

Daily crime logs are another means to disclose information regarding crimes on campus in a timelier manner than the annual report. The log is located at: https://www.cei.edu/students-right-know It will contain information on criminal incidents that are reported to Campus Safety Department and have occurred at CEI on Clery Act geography. Since CEI does not have on-campus residential facilities, it is not required to keep and publish a fire log.

The recorded crimes that occur on CEI Clery Act geography are documented in the crime log. This includes incidents reported directly to the school by the Campus Safety Department, CSAs, or local law enforcement. The daily crime log includes the date and time the event was reported,

the nature of the criminal act, a report number if assigned one, the date and time of the actual occurrence, the general location, a case number if the local police are involved, and the disposition of the case. The daily log can be updated if there is a change in disposition. It might not always be possible for CEI to provide all the information at once on the report and CEI is allowed to withhold any information on any entry that might be prohibited by law or jeopardize the confidentiality of a victim or an ongoing investigation or cause a suspect to flee to avoid detection or result in the destruction of evidence. The daily crime log may be accessed any time online at: https://www.cei.edu/students-right-know

Disposition of criminal incidents or violations of the student conduct code can include three outcomes. One is a referral to the proper law enforcement agency; the second is a referral to the Dean of Students for violations of student conduct rules or if the incident involves an employee, it is referred to the Vice President of Human Resources; and the third is a referral to the Campus Safety Department.

Security and Access

The CEI Idaho Falls campus and Workforce Training campus is generally open to the public during normal business hours. Some campus sites or facilities have individual hours. The Campus Safety Department generally patrols the Idaho Falls main campus on a regular basis and includes those patrol results in a security report. They regularly monitor campus buildings, make sure pathways are well lit at night, and egress lighting is working in hallways and stairwells. Any properties owned or controlled by CEI that are not part of the main Idaho Falls campus receive police services from the local jurisdictions in which the sites are located.

To maintain security for both buildings and property, the Campus Safety Department will lock all buildings and classrooms after normal business/class hours. They will be unlocked according to a facility use schedule and other considerations. Administration, adjunct instructors, and custodians are responsible for locking and unlocking off-campus sites.

Anyone found on or in campus facilities after hours must show Campus Safety their identification and justify their presence on campus. Unauthorized persons will be asked to leave. Any student needing access to buildings must schedule it through authorized personnel or have written approval. Students are not allowed in buildings between terms and during campus closures.

Clery Act Geography

Under the Clery Act, institutions are required to compile and report crime statistics in formal geographic categories. These are on-campus**,** student housing, public property, and non-campus buildings or property.

On-campus refers to any building or property owned or controlled by an institution that is within the same reasonable contiguous geographic area and used in direct support of educational

purposes. It can also include an area that is part of the on-campus property and is owned by the institution but is controlled by another person and is frequently used by students and supports the institution's purposes such as food services or other retail vendors.

Student Housing refers to any facility that is owned or controlled by CEI or is located on property that is owned or controlled by the institution that houses students, faculty or staff or officially or unofficially recognized fraternities or sororities. **CEI has no student housing of any kind at this time**.

Non-campus refers to any building that is not within the same contiguous geographic area as on-campus but used by the institution for educational purposes and used by students. This would refer to CEI's outreach center and the Workforce Training Center.

Public property is any thoroughfare, street, sidewalk, and parking facility that is immediately adjacent to the campus or used by students to access a room inside a building and can be on-campus or non-campus. It would also include elevators or hallways to access rooms on non-campus facilities.

The main CEI campus is located at 1600 S 25th E, Idaho Falls. The Workforce Training Center uses two buildings located at 101 and 240 Technology Drive, Idaho Falls. 101 Technology Drive is referred to as the Industry and Trades Center, and 240 Technology Drive is referred to as the Professional Development Center. We also hold classes at University Place CHE222. CEI has had outreach campuses at 343 E 4 N in Rexburg, and 1420 N Highway 33 in Driggs but they have not been used since 2022. SVBIC at 803 Monroe in Salmon, Idaho, is still in use. In this ASR, there is one crime report for the main campus at 1600 S 25th E, Idaho Falls, ID, one labeled Off Campus for 101 Technology Drive, 240 Technology Drive, and one classroom at University Place CHE222 and a separate table for the remaining outreach campus in Salmon.

Clery Act Crime Definitions

CEI is required to report crime statistics for specific crime classifications as defined by the Jeanne Clery Campus Safety Act, some of which are provided by the Act, and some are based on the FBI's Uniform Crime Reporting (UCR) Program and various other FBI manuals and guidelines. These include murder, non-negligent manslaughter, manslaughter by negligence, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny, etc. CEI is required to report criminal offenses, hate crimes, VAWA offenses, Title IX violations, arrests and referrals for disciplinary action for violations of liquor laws, drug abuse or weapons violations. New this year is the requirement that hazing statistics be recorded in the online Crime Report and in the Annual Security Report.

Criminal Offenses or Primary Crimes

Murder/Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

Manslaughter by Negligence: The killing of another person through gross negligence.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied using a weapon or by a means likely to produce death or great bodily harm. It is not necessary that injury results from an aggravated assault when a gun, knife, or other weapon is used, which could or probably would result in a serious potential injury if the crime were successfully completed.

Burglary: The unlawful entry of a structure to commit a felony or theft. For reporting purposes, this definition includes offenses that are classified by local law enforcement agencies as unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. Motor vehicle theft is classified as any case where an automobile is taken by persons not having lawful access, even if the vehicle is later abandoned, and includes joy riding.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Unfounded Crime Reports: If a Clery Act reportable crime is reported as occurring within a Clery Act geographic category and the reported crime is investigated by sworn or commissioned law enforcement personnel and found to be false or baseless, the crime is “unfounded.” Crime reports can be determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not completed or attempted in any manner. Crime reports can be determined to be baseless only if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place. In accordance with the Uniform Crime Report (UCR) and Clery Act regulations, a reported offense can only be cleared as “unfounded” by law enforcement authorities “if the investigation shows that no offense occurred nor was attempted.”

Hate Crimes. A hate crime is a criminal offense that is based on evidence showing the victim was intentionally chosen because of a perpetrator’s bias. In terms of Clery reporting, there are eight categories of hate crimes as defined below:

- Race: A negative bias toward a group of persons whose physical characteristics and heredity make them a distinct division of humankind, e.g. Asians, blacks, whites, etc.
- Religion: A negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin of the universe and the existence of a supreme being, e.g. Catholics, Jews, Atheists, Muslim, etc.
- Sexual Orientation: A negative opinion or attitude toward a group of persons based on actual or perceived sexual orientation which could be a term for their physical, romantic, and/or emotional attraction to members of the same sex including lesbian, gay, bisexual and heterosexual.
- Gender: A negative opinion or bias toward a person or group based on their actual or perceived gender, e.g. male or female.
- Gender Identity: A preformed negative bias toward a person or group based on their actual or perceived gender identity, e.g. bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society and may or may not be lesbian, gay, bisexual or transgender but may be perceived as such.
- Ethnicity: A negative opinion or attitude toward a group of people who identify through a common heritage, often consisting of a common language, common culture including a shared religion, and/or ideology that stresses common ancestry.
- National Origin: A negative bias toward a group of people based on their actual or perceived country of birth.
- Disability: A negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For Clery Act reporting, hate crimes include any of the following offenses that are motivated by bias: murder and non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property. The offenses of larceny-theft, simple assault, destruction/damage/vandalism of property, and intimidation defined below are only included in crime statistics if they are determined to be hate crimes.

Larceny-Theft: The unlawful taking, carrying, leading, or riding away property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury

involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

VAWA Offenses. The definitions for this category are provided by the Violence Against Women Act (VAWA) and Clery Act regulations.

- Dating Violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of that relationship is determined based on the reporting party's statement with consideration of the length and type of relationship along with the frequency of interaction between the people involved. Dating violence can include and is not limited to sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. ****Note: Per the Clery Act, Dating Violence does not include acts covered under the Clery Act's definition of Domestic Violence. The Clery Act's definition of Domestic Violence includes felony or misdemeanor crimes of violence committed by a person "against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred." In Idaho, violence or threats thereof that occur within a dating relationship are covered under Idaho domestic violence regulations. Accordingly, these incidents will typically be classified as Domestic Violence – not Dating Violence - for the purposes of classifying Clery Act statistics.**
- Domestic Violence. A felony or misdemeanor crime 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 law of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- Sexual Assault. Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent. It is also further defined as an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's UCR program.

- Rape - the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without consent of the victim.
- Fondling – the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape – sexual intercourse with a person who is under the statutory age of consent.

- Stalking. A course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

CONSENT DEFINITIONS

State of Idaho Definition of Consent

18-6101. RAPE DEFINED. Rape is defined as the penetration, however slight, of the oral, anal or vaginal opening with a penis accomplished under any one (1) of the following circumstances:

(1) Where the victim is under the age of sixteen (16) years and the perpetrator is eighteen (18) years of age or older.

(2) Where the victim is sixteen (16) or seventeen (17) years of age and the perpetrator is three (3) years or older than the victim.

(3) Where the victim is incapable, through any unsoundness of mind, due to any cause including, but not limited to, mental illness, mental disability or developmental disability, whether temporary or permanent, of giving legal consent.

(4) Where the victim resists but the resistance is overcome by force or violence.

(5) Where the victim is prevented from resistance by the infliction, attempted infliction, or threatened infliction of bodily harm, accompanied by apparent power of execution; or is unable to resist due to any intoxicating, narcotic, or anesthetic substance.

(6) Where the victim is prevented from resistance due to an objectively reasonable belief that resistance would be futile or that resistance would result in force or violence beyond that necessary to accomplish the prohibited contact.

(7) Where the victim is at the time unconscious of the nature of the act. As used in this section, "unconscious of the nature of the act" means incapable of resisting because the victim meets one (1) of the following conditions:

(a) Was unconscious or asleep;

(b) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(8) Where the victim submits under the belief that the person committing the act is the victim's spouse, and the belief is induced by artifice, pretense or concealment practiced by the accused, with intent to induce such belief.

(9) Where the victim submits under the belief that the person committing the act is someone other than the accused, and the belief is induced by artifice, pretense or concealment practiced by the accused, with the intent to induce such belief.

(10) Where the victim submits under the belief, instilled by the actor, that if the victim does not submit, the actor will cause physical harm to some person in the future; or cause damage to property; or engage in other conduct constituting a crime; or accuse any person of a crime or cause criminal charges to be instituted against the victim; or expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt or ridicule.

The provisions of subsections (1) and (2) of this section shall not affect the age requirements in any other provision of law, unless otherwise provided in any such law. Further, for the purposes of subsection (2) of this section, in determining whether the perpetrator is three (3) years or older than the victim, the difference in age shall be measured from the date of birth of the perpetrator to the date of birth of the victim.

Males and females are both capable of committing the crime of rape as defined in this section.

VAWA and Title IX Programs

CEI has a firm "no tolerance" policy for dating violence, domestic violence, sexual assault and stalking all of which are offenses addressed by the Violence against Women Act (VAWA) and Title IX violations which involve hate crimes and discrimination of any kind including sex-based harassment such as sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity, whether they are specific offenses, quid pro quo or hostile environment. CEI is committed to maintaining the highest standards for the safety and security of every person on campus. When students or employees report an incident involving VAWA or Title IX, CEI will take immediate and appropriate steps to deliver prompt action in the following order:

- Stop harassment
- Remedy the effects where possible
- Prevent reoccurrence

When a VAWA offense is reported, CEI will provide the victim with written notification of options for available assistance, how to request changes to academic, transportation, working situations, or protective measures. The written notice will also provide information to the victim about how to institute a disciplinary proceeding, the steps and anticipated timelines, the contact information for the office to which the complaint should be made and the types of proceedings

that could be used based on the circumstances of the accusation. CEI will make accommodations or provide protective measures if the victim requests it and if they are reasonable available, regardless of whether the victim reports the crime or not.

CEI will protect the confidentiality of the victims and other necessary parties. CEI will report the incident on the daily crime log and as part of the Clery safety report without inclusion of personally identifying information about the victim and maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability for CEI to provide the accommodations or protective measure. The Title IX/VAWA officers determine what information about a victim should be disclosed and to whom this information should be disclosed.

CEI promotes both primary prevention programs and awareness programs that include programming, initiatives, strategies, education, prevention and bringing awareness to students and employees, both incoming and current, concerning violence against women, sexual harassment, and discrimination and hate crimes. These programs are intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention and seek to change behavior and social norms in health and safe directions. This programming means community-wide or audience-specific programming, initiatives and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Student Life, CEI Cares Team and the Center for New Directions are all aware of the need to educate and train the student body about these types of crimes by encouraging staff and students to take part in community events. Students and staff have previously participated in Walk-a-Mile in Her Shoes which raises money for the Domestic Violence and Sexual Assault Center, a local crisis center. CEI observes April as Sexual Assault Awareness month to provide education and awareness by wearing teal ribbons and encouraging students and employees to sign a pledge to end sexual assault. The Center for New Directions hosts the Clothesline Project, an interactive exhibit, which highlights the stories of those who have suffered domestic abuse and plays a chime reminding us that one act of abuse occurs to a victim every sixty seconds. Title IX personnel share VAWA/Title IX handouts providing basic information on Clery, VAWA and Title IX to incoming students during Falcon Basic Training for new students.

CEI offers students and staff safe and positive options that may be carried out by an individual to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention should include ways to recognize situations of potential harm, understanding institutional structures and cultural conditions that might facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options and how to act to intervene.

CEI Student Life and Human Resources promote risk reduction, prevention and awareness campaigns in the effort to decrease perpetration and bystander inaction, increase empowerment for victims and instructing students and employees as to how and to whom alleged offenses should be reported, the importance of preserving evidence that can assist in proving an alleged criminal offense or obtaining a protection order and how to reduce the risk of being a victim.

CEI works to establish programs that prevent dating violence, domestic violence, sexual assault, sexual harassment and stalking with intentional initiatives and strategies that are culturally relevant, inclusive of diverse communities and identities and responsive to community needs. The VAWA/Title IX officers assess those programs to ensure effectiveness, value, and outcome.

CEI's Human Resource Department is responsible for offering VAWA and Title IX training and awareness to employees through online education programs that both new employees receive at their initial orientation and regular employees review yearly as a part of their job description.

The use of Maxient reporting software allows web-based reporting, improvement and assistance with increased electronic reporting and provides easier access for electronic anonymous reporting, especially Title IX cases.

Hazing

President Joe Biden signed the **Stop Campus Hazing Act** (the Act) into law on December 23, 2024. The Act amends the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f), a subsection of the Higher Education Act of 1965 (the Clery Act), and renames the Clery Act officially as the Jeanne Clery Campus Safety Act.

Definitions

The Act defines hazing for purposes of reporting statistics on hazing incidents in an Annual Security Report (ASR) as:

any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that –

- is committed during an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- causes or creates a risk, above the reasonable risk encountered during participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury ….

The Act sets forth non-exhaustive examples of conduct that causes or creates such a risk, including:

- whipping, beating, striking, electronic shocking, placing harmful substances on someone's body, or similar activity;
- causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- causing, coercing, or otherwise inducing another person to perform sexual acts;
- any activity that places another person in reasonable fear of bodily harm by use of threatening words or conduct;
- any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
- any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

The Act defines a "student organization" for purposes of reporting statistics as "an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution."

The inclusion of the language in the Act's definition of hazing is broader than that adopted by many states. Most states prohibit sufficiently risky activities related to initiation and maintaining membership in a student organization. The Act's "an affiliation with" language is broader to the extent that it prohibits such activities engaged in as part of an affiliation with a student organization, even where a person's participation in the activities is not conditioned on becoming a member or maintaining continued membership in the student organization. The Act's clarity regarding the scope of what constitutes a student organization, and the listing of examples of potential hazing activities further distinguishes this federal law from most state anti-hazing laws.

Requirement for Disclosure in ASR

The Act expands current ASR reporting requirements and now requires each covered institution to include in its ASR statistics of hazing incidents as defined in the Act (and stated above) "that were reported to campus security authorities or local police agencies" and that are reported to have occurred on campus, in or on non-campus buildings or property, and on certain public property, as defined by the Clery Act (and referred to as Clery geography).

As with other Clery Act statistics, reported hazing incidents in or on Clery geography must be disclosed for the most recent calendar year and during the two preceding calendar years for which data are available. The Act provides that data gathering necessary to comply with this requirement must begin “n]ot later than January 1 of the first year after the date of enactment of this Act." Because the law was enacted on December 23, 2024, covered institutions must begin collecting data on reported hazing on January 1, 2025.

Requirement for Publishing the Campus Hazing Transparency Report

The Act also calls for a new form of reporting by requiring each covered institution to develop, publish and later update on the institution's website a Campus Hazing Transparency Report (CHTR). There are several differences in what is to be reported in the CHTR and ASR regarding hazing. First, the CHTR must summarize findings concerning any student organizations that are established or recognized by the institution and found to be in violation of the institution's standards of conduct relating to hazing, whereas statistics reporting for ASR purposes must include reports of hazing by student organizations as that term is defined under the Act and, therefore, includes those that are and are not established or recognized by the institution. Also, the scope of information that must be included in the CHTR differs from what must be included in an ASR in that the ASR requires the disclosure of statistics of hazing reported to the institution, whereas the CHTR needs to disclose only a summary of incidents in which a student organization established or recognized by the institution was found to have committed a hazing violation. In addition, the geographic scope of violations that must be summarized in the CHTR is broader than the geographic scope of the statistics reporting section of the Act. Although statistics reported in the ASR should be limited to reported hazing occurring in or on an institution's Clery geography, the Act specifically provides that the Clery Act's definition of "campus" does not apply for CHTR reporting purposes. Therefore, if a student organization established or recognized by the institution is found to have committed a hazing violation, a summary of that finding must be included in the CHTR regardless of where the misconduct occurred.

Under the Act, covered institutions must:

- beginning July 1, 2025, collect information prospectively with respect to hazing incidents concerning student organizations that are established or recognized by the institution found to be in violation of the institution's standards of conduct relating to hazing,
- no later than 12 months after the date of the enactment of the Act, make the CHTR publicly available on the institution's public website, and
- not less frequently than two times each year, update the CHTR to include, for the period beginning on the date on which the CHTR was last published and ending on the date on which such update is submitted, each incident involving a student organization for which a finding of responsibility is issued relating to a CHTR defined hazing violation.

These timing requirements are qualified by the Act's provisions that a covered institution is not required to develop a CHTR "until such institution has a finding of a hazing violation" and does not have to update the CHTR for any period in which the institution does not have a finding of a hazing violation.

The summary of information about each finding of responsibility must include the following:

- the name of such student organization,
- a general description of the violation that resulted in a finding of responsibility, including whether the violation involved the abuse or illegal use of alcohol or drugs, the findings of

the institution and any sanctions placed on the student organization by the institution, as applicable, and
- the dates on which:
    - the alleged incident was alleged to have occurred,
    - the investigation into the incident was initiated,
    - the investigation ended with a finding that a hazing violation occurred, and
    - the institution provided notice to the student organization that the incident resulted in a hazing violation.

The summaries in the CHTR may contain additional information determined by the institution to be necessary and/or as required by state hazing incident disclosure laws but must "not include any personally identifiable information, including any information that would reveal personally identifiable information, about any individual student" in accordance with the Family Educational Rights and Privacy Act. In addition, the CHTR may include a description of the purposes of and differences between statistics on reports of hazing (by any person or entity) in or on Clery geography that are published with other Clery statistics in the institution's ASR, and the summaries of hazing violations by student organizations established or recognized by the institution that are included in the CHTR. Including such a description could help to address any confusion among campus community members and others regarding these distinct types of data. An institution required to publish a CHTR must publish it in a "prominent location" on its website, include a statement notifying the public of the availability of hazing statistics published in its ASR (including a link to the ASR), information about the institution's policies relating to hazing (discussed below) and applicable local, State and Tribal laws on hazing, and the information required in each updated summary of hazing violations, as discussed above, "which shall be maintained for a period of 5 calendar years from the date of publication of such update."

Requirements for Policy and Prevention Program on Hazing

The Act requires each covered institution of higher education to take the following actions by June 23, 2025:

- publish a statement regarding the institution's current policies relating to hazing (as defined by the institution), how to report incidents of hazing and the process used to investigate hazing incidents, and which provides information on applicable local, State, and Tribal laws on hazing, and
- publish a statement of policy regarding prevention and awareness programs related to hazing (as defined by the institution) that includes a description of research-informed campus-wide prevention programs designed to reach students, staff and faculty, which includes information not only about the institution's policies, reporting and investigation mechanisms, and applicable law, but also primary prevention strategies intended to stop hazing before it occurs (such as skill building for bystander intervention, information about ethical leadership and the promotion of strategies for building group cohesion without hazing).

Note: The list of behaviors within the Clery Act hazing definition is not exhaustive, meaning that hazing as defined by the Clery Act is not limited to just the behaviors listed in the definition. Any action that aligns with the definition could be hazing even if not explicitly listed.

Idaho's Anti-Hazing Law

18-917. Hazing. (1) No student or member of a fraternity, sorority or other living or social student group or organization organized or operating on or near a school or college or university campus, shall intentionally haze or conspire to haze any member, potential member or person pledged to be a member of the group or organization, as a condition or precondition of attaining membership in the group or organization or of attaining any office or status therein.

(2) As used in this section, "haze" means to subject a person to bodily danger or physical harm or a likelihood of bodily danger or physical harm, or to require, encourage, authorize or permit that the person be subjected to any of the following:

(a) Total or substantial nudity on the part of the person;
(b) Compelled ingestion of any substance by the person;
(c) Wearing or carrying of any obscene or physically burdensome article by the person;
(d) Physical assaults upon or offensive physical contact with the person;
(e) Participation by the person in boxing matches, excessive number of calisthenics, or other physical contests;
(f) Transportation and abandonment of the person;
(g) Confinement of the person to unreasonably small, unventilated, unsanitary or unlighted areas;
(h) Sleep deprivation; or
(i) Assignment of pranks to be performed by the person.

(3) The term "hazing," as defined in this section, does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any group or organization. The term "hazing" does not include corporal punishment administered by officials or employees of public schools when in accordance with policies adopted by local boards of education.

(4) A student or member of a fraternity, sorority or other student organization, who personally violates any provision of this section shall be guilty of a misdemeanor.

Campus Security Authorities (CSA)

CEI appoints and trains Campus Security Authorities (CSA) regarding notification of crimes to law enforcement and/or the Campus Safety Department. Yearly training is provided as to when and how to offer choices of calling in law enforcement if the victim so chooses, along with the rights of victims, and they are given procedures to follow in protecting the confidentiality of victims and other parties. They are also trained in how to record any incident that they are

involved with in order to disclose pertinent information without the inclusion of personally identifying information about the victim for Clery reporting purposes. They are instructed to report promptly so that CEI can determine if there is a need for a timely warning to be broadcast for incidents that would pose a serious or continuing threat of bodily harm or danger to the campus community. They are trained to maintain confidentiality so as not to impair CEI's ability to provide accommodation or protective measures.

Examples of CEI Campus Security Authorities are: Dean of Students, Instructional Deans, Vice President of Human Resources, Title IX Coordinator(s), VAWA officer(s), faculty club advisors, Registrar(s), Associate Deans, Safety Supervisor, Department chairs, Student Affairs individuals, including admissions counselors and advisors who work with students, Senior Coordinator of Center for New Directions, Admissions Director, Director of Student Life and any other individuals employed at CEI that have significant responsibility for students and campus activities."

Please note that a CSA is not responsible for determining whether a crime took place, that is the function of Campus Safety and/or law enforcement personnel. A CSA should not try to apprehend the alleged perpetrator of the crime. This is the responsibility of law enforcement. It is also not the responsibility of a CSA to try to convince a victim to contact law enforcement if the victim chooses not to do so.

All CEI employees (except professional or pastoral counselors) are required to report allegations of sexual misconduct, relationship violence or intimate partner abuse, hazing, or Title IX violations to the Dean of Students/Title IX coordinators/Vice President of Human Resources. Some policy violations such as non-consensual sexual intercourse, non-consensual sexual contact, stalking, relationship violence or intimate partner abuse could also constitute crimes reportable under the Clery Act.

Rationale for Title IX Policy

CEI is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination and harassment based on a protected characteristic, and retaliation for engaging in a protected activity.
CEI values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all involved.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, CEI has developed policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of a protected characteristic, and for allegations of retaliation.

Applicable Scope

The core purpose of this policy is to prohibit all forms of discrimination. Sometimes, discrimination involves exclusion from or different treatment in activities, such as admission, athletics, or employment. At other times, discrimination takes the form of harassment, or, in the case of sex-based discrimination, it can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence, or domestic violence. When an alleged policy violation is reported, the allegations are subject to resolution using CEI's "Process A" or "Process B,"[1] as determined by the Title IX Coordinator(s), and as detailed below.

When the Respondent is a member of the CEI community, a Formal Complaint may be filed, and a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the CEI community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, vendors, contractors, invitees, and campers. The procedures below may be applied to incidents, patterns, and/or to the institutional culture/climate, all of which may be addressed and investigated in accordance with this Policy.

CEI recognizes that reports and/or Formal Complaints under this Policy may include multiple forms of discrimination and harassment as well as violations of other CEI policies; may involve various combinations of students, employees, and other members of the CEI community; and may require the simultaneous attention of multiple CEI departments. Accordingly, all CEI departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable CEI policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination and harassment or retaliation.

Title IX Coordinator

CEI has two Title IX Coordinators for students, and the Vice President of Human Resources serves as the Title IX Coordinator for employees. The Senior Coordinator for student accessibility services and the Vice President of Human Resources serve as the ADA/504 Coordinators and oversee implementation of the CEI's Affirmative Action and Equal Opportunity plan and CEI's policy on equal opportunity, harassment, and nondiscrimination.

The Title IX Coordinators have the primary responsibility for coordinating CEI's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent discrimination, harassment, and retaliation prohibited under this Policy.

All parties will be provided with a comprehensive brochure detailing options and resources, which the Title IX Coordinators may also review with the parties in person.

Independence and Conflict of Interest

The Title IX Coordinators manage the Title IX Team and act with independence and authority free from bias and conflicts of interest. The Title IX Coordinators oversee all resolutions under this Policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific complaint, or for or against Complainants and/or Respondents, generally.

[1] Conduct occurring before August 14, 2020 can be resolved using Process B.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinators, contact the President of CEI. If there is concern of bias, misconduct, discrimination, or a potential conflict of interest by any other Title IX Team member, it should be raised with the Title IX Coordinator.

Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and procedures, may be made internally to:

Office Name: **President of CEI**

Or: **Vice President of Human Resources**

Location/Address: President Building 3, Rm 311 208-535-5485

Vice President of Human Resources, Building 1, Rm 125 208-535-5303

CEI has also classified certain employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section below on Mandated Reporters details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Office for Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: OCR@ed.gov

Web: http://www.ed.gov/ocr

For complaints involving employee-on-employee conduct: **Error! Bookmark not defined.**[2]

[2] EEOC has jurisdiction over Title IX employment claims. The closest office is the Seattle Field Office, 909 First Avenue, Suite 400, Seattle, WA 98104-1061. 800-669-400 FAX: 206-220-6911

Notice/Complaints of Discrimination, Harassment, and/or Retaliation

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1) File a report or Formal Complaint with, or give verbal notice to, the Title IX Coordinators. Such a report or Formal Complaint may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail, to the office listed for the Title IX Coordinators or any other official listed.

2) Report online, using the reporting form posted at: https://cm.maxient.com/reporting.php?CollegeofEasternID= This is also found under "Report A Concern" at the bottom of the main webpage, www.cei.edu. Anonymous reports are accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no further formal action is taken, though measures intended to protect the community will be enacted. CEI tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant.

   Because reporting carries no obligation to initiate a formal response, and because CEI respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows CEI to discuss and/or provide supportive measures.

3) A report may also be filed with or given verbal notice to any campus employee or CSA as named on page 27.

As used in this Policy, the term "Formal Complaint" means a document or electronic submission (such as by electronic mail or through an online portal provided by CEI for this purpose) that contains the Complainant's physical or digital signature or otherwise indicates that the Complainant is the person filing the complaint, and requests that CEI investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinators will contact the Complainant to ensure that it is filed correctly.

Supportive Measures

CEI will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available. They are offered, without fee or charge to the parties, to

restore or preserve access to CEI's education program or activity, including measures designed to protect the safety of all parties and/or the CEI's educational environment and/or to deter harassment, discrimination, and/or retaliation.

The Title IX Coordinators promptly make supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, CEI will inform the Complainant, in writing, that they may file a Formal Complaint either at that time or in the future, if they have not done so already. The Title IX Coordinators work with the Complainant to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

CEI will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair CEI's ability to provide those supportive measures. CEI will act to ensure as minimal an academic/occupational impact on the parties as possible. CEI will implement measures in a way that does not unreasonably burden the other party. These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering work arrangements for employees or student employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely Warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinators

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing complaint under this Policy.

Emergency Removal

CEI can act to remove a student Respondent from its education program or activities—partially or entirely—on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinators or Dean

of Students in conjunction with the Behavioral Intervention Team (also known as BIT) using its standard objective violence risk assessment procedures.

When an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinators or Dean of Students prior to such action/removal being imposed, or as soon as reasonably possible thereafter, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether an emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinators determine it equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinators for the show-cause meeting. The Respondent will be given access to a written summary of the basis for emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinators have sole discretion under this Policy to implement or modify emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline within the student or employee conduct processes, which may include expulsion or termination.

CEI will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinators, these actions could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take incomplete grades without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural/club athletics.

At the discretion of Title IX Coordinators, alternative coursework options may be pursued to ensure minimal academic impact on the parties as much as possible.

When the Respondent is an employee, or a student employee, accused of misconduct in the course of their employment, existing provisions for interim action are applicable instead of the above emergency removal process. Please see Title IX and Equity Resolution policies for more information.

There are direct links here:

- Equity Resolution Process: https://www.cei.edu/policy/policy-601-equity-resolution-process-erp
- Title IX, etc.: https://www.cei.edu/policy/policy-602-title-ix-equal-opportunity-harassment-and-non-discrimination

- Harassment & Discrimination: https://www.cei.edu/policy/policy-108-harassment-sexual-harassment-and-unlawful-discrimination

Promptness

Once CEI has received notice or a Formal Complaint, all allegations are promptly acted upon. Complaints typically take 60-90 business days to resolve. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but CEI will avoid all undue delays within its control. Any time the general timeframes for resolution outlined in CEI procedures will be delayed, CEI will provide written notice to the parties of the delay, the cause for the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

Confidentiality/Privacy

Every effort is made by CEI to preserve the confidentiality of reports.[3] CEI will not share the identity of any individual who has made a report or Formal Complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of harassment, discrimination, or retaliation; any Respondent; or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA)[4] or its implementing regulations,[5] or as required by law; or to carry out the purposes of 34 C.F.R. Part 106, including any investigation, hearing, or grievance proceeding arising under these policies and procedures. CEI reserves the right to determine which CEI officials have a legitimate educational interest in being informed about incidents that fall under this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

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[3] For the purpose of this Policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of CEI employees who "need to know" in order to assist in the assessment, investigation, and resolution of the complaint. All employees who are involved in CEI's response to notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined in CEI's Student Records Policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws (including Title IX) that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. CEI has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 36. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

[4] 20 U.S.C. 1232g

[5] 34 C.F.R. § 99

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Title IX Coordinators, Department of Student Affairs, Human Resources (in the case of an employee incident, on a need-to-know basis), college counsel (on a need-to-know basis), the Campus Safety Department, local police and the Behavioral Intervention/Threat Assessment Team. Information will be shared as necessary with Investigators, Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

CEI may contact parents/guardians of students to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically below.

Jurisdiction

This Policy applies to CEI's education program and activities,[6] to conduct that takes place on property owned or controlled by CEI, at CEI-sponsored events, and in buildings owned or controlled by CEI's recognized student organizations. The Respondent must be a member of CEI's community for this Policy to apply.

This Policy can also be applicable to the effects of off-campus misconduct that effectively deprives a person of access to CEI's education program or activities. CEI may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinators determine that the conduct affects a substantial CEI interest.

Regardless of where the conduct occurred, CEI will address notice/complaints to determine whether the conduct occurred in the context of its employment or education program or activity and/or has continuing effects on campus (including virtual learning and employment environments) or in an off campus sponsored program or activity. A substantial CEI interest includes:

1) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
2) Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual.
3) Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
4) Any situation that substantially interferes with the educational interests or mission of CEI.

If the Respondent is unknown or is not a member of CEI's community, the Title IX Coordinators will assist the Complainant in identifying appropriate institutional and local resources and support options. If criminal conduct is alleged, CEI can assist in contacting local or institutional law enforcement if the individual would like to file a police report.

[6] Which includes the Recipient's employees' work environment.

Further, even when the Respondent is not a member of CEI's community, supportive measures, remedies, and resources may be provided to the Complainant by contacting the Title IX Coordinators.

In addition, CEI may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from CEI property and/or events.

All vendors serving CEI through third-party contracts are subject to the policies and procedures of their employers.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinators can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinators may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to CEI where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse.

Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinators. However, if the Respondent is no longer subject to CEI's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinators, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, CEI will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint. Typically, this Policy is only applied to alleged incidents that occurred after August 14, 2020. For alleged incidents that occurred prior to August 14, 2020, previous versions of this Policy will apply. Those versions are available from the Title IX Coordinators.

Online Harassment and Misconduct

CEI policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on CEI's education program and activities or when they involve the use of CEI networks, technology, or equipment. Although CEI may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to CEI, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites; sharing inappropriate content via social media; unwelcome sexual or sex-based messaging; distributing, or threatening to distribute, nude or semi-nude photos or recordings; breaches of privacy; or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of CEI community.

Public Recipients: Any online posting or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the CEI's control (e.g., not on CEI networks, websites, or between CEI email accounts) will only be subject to this Policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but legally protected speech cannot be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by CEI only when such speech is made in an employee's official or work-related capacity.

Policy on Nondiscrimination

CEI adheres to all federal, state, and local civil rights laws and regulations prohibiting discrimination in higher education institutions.

A. Protected Characteristics

CEI does not discriminate against any employee, applicant for employment, student, or applicant for admission based on:

- Race
- Religion
- Hearing status
- Personal appearance
- Color
- Sex
- Pregnancy
- Political affiliation
- Source of income
- Place of business
- Residence
- Religion
- Creed
- Ethnicity
- National origin (including ancestry)

- Citizenship status
- Physical or mental disability (including perceived disability)
- Age
- Marital status
- Family responsibilities
- Sexual orientation
- Gender identity
- Gender expression
- Veteran or military status (including disabled veteran; recently separated veteran; active-duty, wartime, or campaign badge veteran; and Armed Forces Service Medal veteran)
- Predisposing genetic characteristics
- Domestic violence victim status
- Height
- Weight
- or any other protected characteristic under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process within the institution, with the Equal Employment Opportunity Commission, and/or other human/civil rights agencies

This Policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of CEI's community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of CEI's community, guest, or visitor on the basis of that person's actual or perceived protected characteristics listed above, is in violation of the CEI's Nondiscrimination Policy.

When brought to the attention of CEI, any such discrimination will be promptly and fairly addressed and remedied by CEI according to the grievance process described below.

B. Inclusion Related to Gender Identity/Expression

CEI strives to ensure that all individuals are safe, included, and respected in their working and learning environments, regardless of their gender identity or expression, including intersex, transgender, agender, and gender diverse students and employees.

Discrimination on the basis of gender identity or expression is not tolerated by CEI. If a member of the CEI community feels they have been subjected to discrimination under this Policy, they should follow the appropriate reporting/Formal Complaint process described above.

In upholding the principles of equity and inclusion, CEI supports the full integration and healthy development of those who are transgender, transitioning, or gender diverse, and seeks to eliminate any stigma related to gender identity and expression.

CEI is committed to fostering a climate where all identities are valued and create a more vibrant and diverse community. The purpose of this Policy is to have CEI administratively address issues some students and employees, including those identifying as intersex, transgender,

agender, and gender diverse, may confront as they navigate systems originally designed around the assumption that gender is binary. As our society's understanding of gender evolves, so does CEI's processes and policies while following Federal and State laws.

Concepts like misgendering and deadnaming may not be familiar to all but understanding them is essential to CEI's goal of being as welcoming and as inclusive as a community as possible.

Misgendering is the intentional or unintentional use of pronouns or identifiers that are different from those used by an individual. Unintentional misgendering is usually resolved with a simple apology if someone clarifies their pronouns for you. Intentional misgendering is inconsistent with the type of community we hold ourselves out to be. We all get to determine our own gender identity and expression, but we don't get to choose or negate someone else's.

Deadnaming, along with misgendering, can be very traumatic to a person who is transgender, transitioning, or gender diverse. Deadnaming means using someone's birth-assigned (cisgender) name, rather than the name they have chosen.

To a person who is transgender, transitioning, or gender diverse, their cisgender identity may be something that is in their past, dead, buried, and behind them. To then revive their deadname could trigger issues, traumas, and experiences of the past that the individual has moved past, or is moving past, and can interfere with their health and well-being.

Again, unintentional deadnaming can be addressed by a simple apology and an effort to use the person's chosen name. Intentional deadnaming could be a form of bullying, outing, or otherwise harassing an individual, and thus should be avoided.

This policy should be interpreted consistent with the goals of maximizing the inclusion of intersex, transgender, transitioning, agender, and gender diverse students and employees, including:

- Maintaining the privacy of all individuals consistent with Federal and state law
- Ensuring all students equal access to educational programming, activities, and facilities, including restrooms and locker rooms
- Ensuring all employees equal access to employment opportunities and work, service, or health-related facilities
- Providing professional development for employees and education for students on topics related to gender inclusion
- Encouraging all students and employees to respect the pronoun usage and identities of all members of the Recipient community

CEI has set forth its specific processes for implementing this Policy through the accompanying Title IX-related procedures.

Disability Discrimination and Accommodation Policy

CEI is committed to full compliance with the Americans with Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination

against qualified persons with disabilities, as well as other federal, state, and local laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by CEI, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Senior Coordinator for Student Accessibility Services (students) and the Vice-President of Human Resources (employees) have been designated as CEI's ADA/504 Coordinators responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Grievances related to disability status and/or accommodations will be addressed using the procedures in Appendix F. For details relating to disability accommodations in the CEI's Resolution Process.

A. Students with Disabilities

CEI is committed to providing qualified students with disabilities with reasonable accommodation and support needed to ensure equal access to CEI academic programs, facilities, and activities.

All accommodation is made on an individualized basis. A student requesting any accommodation should first contact the Senior Coordinator, Student Accessibility Services, who coordinates services for students with disabilities.

The Senior Coordinator of Student Accessibility Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s) in accordance with applicable CEI policies.

B. Employees with Disabilities

Pursuant to the ADA, CEI will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to CEI.

An employee with a disability is responsible for submitting an accommodation request to the ADA/504 Coordinator and providing necessary documentation. The Vice President of Human Resources will work with the employee's supervisor to identify which essential functions of the

position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties in accordance with applicable CEI policies.

Discriminatory Harassment Policy

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial, or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under CEI Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of CEI Policy, though supportive measures will be offered to those impacted. All offense definitions encompass actual and/or attempted offenses.

Discriminatory Harassment

Discriminatory harassment—defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived characteristics protected by policy or law—is a form of prohibited discrimination under CEI policy.

CEI does not tolerate discriminatory harassment of any employee, student, visitor, or third party.

CEI will act to remedy all forms of harassment when reported, whether the harassment rises to the level of creating a "hostile environment." A hostile environment is one that unreasonably interferes with or limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, and/or physical conduct that is severe or pervasive and objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, CEI may also impose sanctions on the Respondent through application of the appropriate grievance process.

CEI reserves the right to address offensive conduct and/or harassment that (1) does not rise to the level of creating a hostile environment, or (2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct will not result in the imposition of discipline under CEI policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternative Resolution, and/or other Informal Resolution mechanisms.

For assistance with Alternative Resolution and other Informal Resolution techniques and approaches, employees should contact the Vice President of Human Resources, and students should contact the Dean of Students.

Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State/Commonwealth/District of Idaho regard sexual harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice. CEI has adopted the following definition of sexual harassment in order to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct based on sex,[7] or that is sexual in nature, that satisfies one or more of the following:

1) **Quid Pro Quo**:
    a. an employee of the recipient,
    b. conditions[8] the provision of an aid, benefit, or service of the recipient, on an individual's participation in unwelcome sexual conduct.
2) **Sexual Harassment**:
    a. unwelcome conduct,
    b. determined by a reasonable person,
    c. to be so severe, and
    d. pervasive, and,
    e. objectively offensive,
    f. that it effectively denies a Complainant equal access to CEI's education program or activity.[9]

Sexual Assault, defined as:

[7] Including gender identity, gender expression, sexual orientation, and sex stereotypes.

[8] Implicitly or explicitly.

[9] Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced. This definition is broad enough to potentially encompass forms of sex-based disparate treatment, even if not harassing in nature.

a. **Any sexual act[10] directed against a Complainant**,[11]
   - without their consent, or
   - instances in which the Complainant is incapable of giving consent.[12]

b. **Incest**:
   - Non-forcible sexual intercourse,
   - between persons who are related to each other,
   - within the degrees wherein marriage is prohibited by Idaho law.

c. **Statutory Rape**:
   - Non-forcible sexual intercourse,
   - with a person who is under the statutory age of consent of 18.

3) **Dating Violence**, defined as**:**
   a. violence,

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[10] A 'sexual act" is specifically defined by federal regulations to include one or more of the following:

Rape:
- The carnal knowledge of a Complainant OR Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person,
- without their consent,
- including instances where they are incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity."

Sodomy:
- Oral or anal sexual intercourse with a Complainant,
- forcibly, and/or
- against their will (non-consensually), or
- not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Sexual Assault with an Object:
- The use of an object or instrument to penetrate,
- however slightly,
- the genital or anal opening of the body of the Complainant,
- forcibly, and/or
- against their will (non-consensually), or
- not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Fondling:
- The touching of the private body parts of the Complainant (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- forcibly, and/or
- against their will (non-consensually), or
- not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

[11] This would include having another person touch you sexually, forcibly, and/or without their consent.

[12] This definition set is not taken from NIBRS verbatim. ATIXA has substituted Complainant for "victim," has removed references to his/her throughout, has defined "private body parts," has removed the confusing and unnecessary term "unlawfully," and has inserted language clarifying that the Recipient interprets "against the person's will" to mean "non-consensually." These are liberties ATIXA thinks are important to take with respect to the federal definitions, but users should consult legal counsel before adopting them.

b. based on sex,
c. committed by a person,
d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
   i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
      a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
      b) Dating violence does not include acts covered under the definition of domestic violence.

4) **Domestic Violence**,[13] defined as:
   a. violence,
   b. based on sex,
   c. committed by a current or former spouse or intimate partner of the Complainant,
   d. by a person with whom the Complainant shares a child in common, or
   e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
   f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Idaho, or
   g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Idaho.

5) **Stalking**, defined as:
   a. engaging in a course of conduct,
   b. based on sex,
   c. directed at the Complainant, that
      i. would cause a reasonable person to fear for the person's safety, or
      ii. the safety of others; or
      iii. Suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to acts in which the Respond directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- A reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

[13] To categorize an incident as Domestic Violence under this Policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

CEI reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy. The most serious offenses are likely to result in suspension/expulsion/termination.

Please see the Student Code of Conduct for more information. It is available at: Student Code of Conduct: https://www.cei.edu/policy/procedure-907-student-code-conduct

Unethical Relationships Policy (See Appendix D)

Force, Coercion, Consent, and Incapacitation[14]

As used in the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent e.g., "Have sex with me or I'll hit you," which elicits the response, "Okay, don't hit me. I'll do what you want."

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is an unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

[14] The state definition of consent is found in Section 18-6101, which is applicable to criminal prosecutions for sex offenses in Idaho but may differ from the definition used by CEI to address policy violations. [Included for Clery/VAWA Sec. 304 compliance purposes]

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied with consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonable and clearly communicated. If consent is withdrawn, sexual activity should cease within a reasonably immediate time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected.

Proof of consent or non-consent is not a burden placed on either party involved in a complaint. Instead, the burden remains on CEI to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM[15] or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying "no" may be part of the kink and thus consensual, thus CEI's evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

> **Incapacitation:** A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drug consumption. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction).

[15] Bondage, discipline/dominance, submission/sadism, and masochism.

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This Policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

E. Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, CEI additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant's actual or perceived protected characteristic.

1) **Sexual Exploitation**, defined as:
    a. an individual taking non-consensual or abusive sexual advantage of another
    b. for their own benefit or for the benefit of anyone other than the person being exploited, and
    c. that conduct does not otherwise constitute Sexual Harassment under this Policy.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity; or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity

- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child pornography

2) **Harm/Endangerment**, defined as:
    a. threatening or causing physical harm;
    b. extreme verbal, emotional, or psychological abuse; or
    c. other conduct which threatens or endangers the health or safety of any person or damages their property.

3) **Discrimination**, defined as:
    a. actions that deprive, limit, or deny
    b. other members of the community
    c. of educational or employment access, benefits, or opportunities,
    d. including disparate treatment.

4) **Intimidation**, defined as:
    a. implied threats or
    b. acts that cause the Complainant to have reasonable fear of harm.

5) **Hazing**, defined as:
    a. acts likely to cause physical or psychological harm or social ostracism
    b. to any person within the CEI community,
    c. when related to admission, initiation, pledging, joining, or any other group-affiliation activity.

6) **Bullying,** defined as:
    a. repeated and/or severe aggressive behavior
    b. that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant,
    c. that is not speech or conduct that is otherwise protected by the First Amendment.

Violation of any other CEI policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived protected characteristic(s), and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from warning through expulsion/termination.

Retaliation[16]

Protected activity under this Policy includes reporting alleged misconduct that may implicate this Policy, participating in the resolution process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.
Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. CEI will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

CEI and any member of CEI's community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

Filing a complaint under Process B could be considered retaliatory if those allegations could be subject to Process A, when the Process B allegations are made for the purpose of interfering with or circumventing any right or privilege provided afforded within Process A that is not provided by Process B. Therefore, CEI carefully vets all complaints to ensure this does not happen, and to ensure that complaints are routed to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Pursuing a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and procedure does not constitute retaliation, provided that the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Mandated Reporting

All CEI employees (faculty, staff, administrators) are expected to report actual or suspected discrimination, harassment, and/or retaliation to appropriate officials immediately, although there are some limited exceptions.

It is important to be aware of confidentiality and mandatory reporting requirements when consulting institutional resources. Within the institution, some resources may maintain confidentiality and are not required to report actual or suspected harassment, discrimination, or retaliation in a way that identifies the parties. They may offer options and resources without any

[16] Retaliation allegations can be routed exclusively through Process B if a recipient so elects, but where retaliation and sexual harassment allegations are both alleged, it will likely make more sense to use Process A to resolve all together.

obligation to inform an outside agency or institution official unless a Complainant has requested the information to be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

The following sections describe CEI reporting options for a Complainant or third party (including parents/guardians when appropriate):

A. Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- On-campus licensed professional counselors and staff
- On-campus health service providers and staff
- On-campus Victim Advocates
- On-campus members of the clergy/chaplains working within the scope of their licensure or ordination
- Community-based (non-employees):
  - Licensed professional counselors and other medical providers
  - Local rape crisis counselors
  - Domestic violence resources
  - Local or state assistance agencies
  - Clergy/Chaplains
  - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, professional credentials, or official designation, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Institutional counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Employees who have confidentiality as described above, and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

Anonymous Notice to Mandated Reporters

At the request of a Complainant, notice may be given anonymously (i.e., without identification of the Complainant) to the Title IX Coordinator by a Mandated Reporter. The Mandated Reporter cannot remain anonymous.

If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by CEI to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided. However, anonymous notice typically limits the Recipient's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinators. Mandated reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements.

Mandated Reporters and Formal Notice/Complaints

All CEI employees (including student employees), except for those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinators.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Title IX Coordinators by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from CEI.

Supportive measures may be offered as the result of such disclosures without formal CEI action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment, discrimination, or retaliation of which they become aware is a violation of CEI Policy and can be subject to disciplinary action for failure to comply/failure to report.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this Policy, they still have a duty to report their own misconduct, though the Recipient is technically not on notice simply because a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, and/or does not want a Formal Complaint to be pursued, they may make such a request to the Title IX Coordinators, who will evaluate that request in light of the duty to ensure the safety of the institution and to comply with state or federal law.

Title IX Coordinators have ultimate discretion over whether CEI proceeds when the Complainant does not wish to do so, and the Title IX Coordinators may sign a Formal Complaint to initiate a grievance process. It is at the discretion of Title IX Coordinators and the Complainant, depending upon the severity and circumstances.

The Title IX Coordinators decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the Recipient to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. CEI may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinators must also consider the effect that non-participation by the Complainant may have on the availability of evidence and CEI's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinators execute the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When CEI proceeds, the Complainant (and/or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that CEI's ability to remedy and respond to notice may be limited if the Complainant does not want CEI to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing CEI's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the Recipient to honor that request, the Recipient may offer Informal Resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date. Upon making a Formal Complaint, a Complainant has the right, and can expect, to have allegations taken seriously by CEI and to have the incidents

investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

Federal Timely Warning Obligations

CEI must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

CEI will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions considering the potential danger.

False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation, hearing, or informal resolution can be subject to discipline under appropriate CEI policies.

Amnesty

The CEI community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to CEI officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.
It is in the best interests of the CEI community that Complainants choose to report misconduct to CEI officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, CEI maintains a policy of offering parties and witnesses amnesty from minor policy violations–such as underage consumption of alcohol or the use of illicit drugs–related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. [The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty–the incentive to report serious misconduct–is rarely applicable to CEI with respect to a Complainant.]

Students

Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana

might hesitate to help take an individual who has experienced sexual assault to the Campus Safety Department.

CEI maintains a policy of amnesty for students who offer help to others in need. [Although policy violations cannot be overlooked, CEI may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.]

Employees[17]

Sometimes, employees are hesitant to report harassment, discrimination, or retaliation they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated Policy 211 and is then assaulted in the course of that relationship might hesitate to report the incident to Recipient officials.

CEI may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

24. Federal Statistical Reporting Obligations

Certain institutional officials–those deemed Campus Security Authorities–have a duty to report the following for federal statistical reporting purposes (Clery Act):

1) All "primary crimes," which include criminal homicide, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson
2) Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
3) VAWA-based crimes,[18] which include sexual assault, domestic violence, dating violence, and stalking
4) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug law violations

All personally identifiable information is kept private, but statistical information must be shared with CEI Campus Safety Department regarding the type of incident and its general location (on or off campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log. Authorities include student affairs/student conduct, CEI Campus Safety Department, local police, student activities staff, human resources staff, advisors to student organizations, Dean of Students and any other official with significant responsibility for student and campus activities.

[17] This section is optional as most traditional policies only offer amnesty to students. If a recipient decides not to include this section, the "student" section can simply be merged into the amnesty section.

[18] VAWA is the Violence Against Women Act, enacted in 1994 and codified in part at 42 U.S.C. sections 13701 through 14040.

Preservation of Evidence

The preservation of evidence in incidents of sexual assault and stalking is critical to potential criminal prosecution and to obtaining restraining/protective orders and is particularly time sensitive. CEI will inform the Complainant of the importance of preserving evidence by taking the following actions:

Sexual Assault

- Seek forensic medical assistance at EIRMC or Mountain View/IFCH hospitals, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or secure evidence container.
- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

Stalking

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
    - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
    - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of e-mail correspondence, including notifications related to account access alerts.
- Take time-stamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- Save copies of any messages showing a request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and the Title IX Coordinators, the importance of taking these actions will be reiterated, if timely.

RESOLUTION PROCESS[19] FOR ALLEGED VIOLATIONS OF THE EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION POLICY (KNOWN AS PROCESS "A")

1. Overview

CEI will act on any formal notice/complaint of violation of the Equal Opportunity, Harassment, and Nondiscrimination Policy ("the Policy") that is received by the Title IX Coordinators[20] or any other Official with Authority by applying these procedures, known as "Process A." Please see Policy 602: Title IX, Equal Opportunity, Harassment and Non-Discrimination at: https://www.cei.edu/policy/policy-602-title-ix-equal-opportunity-harassment-and-non-discrimination

The procedures below apply only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in the Policy) involving students, staff, administrators, or faculty members.

If other Policy definitions are invoked, such as protected characteristic harassment or discrimination as defined above, please see Appendix F for a description of the procedures applicable to the resolution of such offenses, known as "Process B." Please see Policy 602: Title Ix, Equal Opportunity, Harassment, and Non-Discrimination: https://www.cei.edu/policy/policy-602-title-ix-equal-opportunity-harassment-and-non-discrimination

Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinators.

Unionized/other categorized employees are subject to the terms of their agreements/employees' rights to the extent those agreements do not conflict with federal or state compliance obligations.[21]

The procedures below may be used to address alleged collateral misconduct by the Respondent arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another), when alleged violations of the Policy are being addressed at the same time. In such cases, the Title IX Coordinators may consult with institution officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs, etc.) to provide input as needed. All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the student, faculty, and staff handbooks.

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[19] For institutions with grievance processes enabling students and/or employees to challenge CEI action, it is recommended that discrimination allegations be exempted from that process and replaced with the Resolution Process outlined here. Most existing grievance proceedings are neither equitable (by definition), nor are they sufficiently prompt to satisfy Title IX. Such a change may require negotiation with any affected union.

[20] Anywhere this procedure indicates "Title IX Coordinator," the recipient may substitute a trained designee.

[21] Consult with qualified legal counsel on the complex interaction between the regulations and union rights under collective bargaining agreements.

Notice/Complaint

Upon receipt of a complaint or notice of an alleged policy violation by the Title IX Coordinators, Title IX Coordinators will initiate a prompt initial assessment to determine the next steps CEI needs to take. The Title IX Coordinators will contact the Complainant to offer supportive measures and determine whether the Complainant wishes to file a Formal Complaint.
The Title IX Coordinators will then initiate at least one of three responses:

1) Supportive measures because the Complainant does not want to file a Formal Complaint
2) An Informal Resolution (upon submission of a Formal Complaint)
3) A Formal Grievance Process including an investigation and a hearing (upon submission of a Formal Complaint)

CEI uses a Formal Grievance Process as described below to determine whether the Policy has been violated. If so, CEI will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, and/or their effects.

Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinators[22] engage in an initial assessment, typically within one to five (1-5) business days. The steps in an initial assessment can include:

- The Title IX Coordinators seek to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired.
    - If they do not wish to do so, the Title IX Coordinators determine whether to initiate a complaint themselves [because a violence risk assessment indicates a compelling threat to health and/or safety].
- If a Formal Complaint is received, the Title IX Coordinators assess its sufficiency and work with the Complainant to make sure it is correctly completed.
- The Title IX Coordinators reach out to the Complainant to offer supportive measures.
- The Title IX Coordinators work with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinators work with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an Informal Resolution option, or a formal investigation and grievance process.
    - If a supportive and remedial response is preferred, the Title IX Coordinators work with the Complainant to identify their needs, determine appropriate support, and implement them accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.

[22] If circumstances require, the Vice President of Student Affairs or Title IX Coordinator will designate another person to oversee the Resolution Process should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable, unable to fulfill their duties, or have a conflict of interest.

- If an Informal Resolution option is preferred, the Title IX Coordinators assess whether the complaint is suitable for Informal Resolution[23] [, which informal mechanism may serve the situation best or is available,] and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
- If a Formal Grievance Process is preferred by the Complainant, the Title IX Coordinators determine if the alleged misconduct falls within the scope of the 2020 Title IX regulations:
  - If it does, the Title IX Coordinators will initiate the formal investigation and grievance process, directing the investigation to address, based on the nature of the complaint:
    - an incident, and/or
    - a pattern of alleged misconduct, and/or
    - a culture/climate issue

- supportive measures because the Complainant does not want to file a Formal Complaint
- An Informal Resolution (upon submission of a Formal Complaint)
- A Formal Grievance Process including an investigation and a hearing (upon submission of a Formal Complaint)

Violence Risk Assessment

In some cases, the Title IX Coordinators may determine that a Violence Risk Assessment (VRA) should be conducted by Title IX investigators as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

1) Emergency removal of Respondent based on immediate threat to an individual or the community's physical health/safety
2) Whether the Title IX Coordinators should pursue/sign a Formal Complaint absent a willing/able Complainant
3) Whether the scope of the investigation should include an incident, and/or pattern of misconduct, and/or climate of hostility/harassment
4) To help identify potential predatory conduct
5) To help assess/identify grooming behaviors
6) Whether it is reasonable to try to resolve a complaint through Informal Resolution, and if so, what approach may be most successful
7) Whether to permit a voluntary withdrawal by the Respondent
8) Whether to impose transcript notation or communicate with a transfer Recipient about a Respondent
9) Assessment of appropriate sanctions/remedies (to be applied post-hearing)
10) Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed

A threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA

[23] Per the 2020 Title IX regulations, recipients are prohibited from Informal Resolution of a complaint by a student against an employee.

is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other Behavioral Intervention Team (BIT)/CARE team members. A VRA authorized by the Title IX Coordinators should occur in collaboration with the BIT/CARE or threat assessment team. Where a VRA is required by the Title IX Coordinators, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

More about the Recipient's process for VRA can be found in Appendix E.

Dismissal (Mandatory and Discretionary)[24]

CEI must dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

1) The conduct alleged in the Formal Complaint would not constitute sexual harassment as defined above, even if proved
2) The conduct did not occur in an educational program or activity controlled by CEI (including buildings or property controlled by recognized student organizations), and/or CEI does not have control of the Respondent
3) The conduct did not occur against a person in the United States
4) At the time of filing a Formal Complaint, a Complainant is not participating in or attempting to participate in CEI's education program or activity[25]

CEI may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

1) A Complainant notifies the Title IX Coordinators in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein
2) The Respondent is no longer enrolled in or employed by CEI
3) Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein

A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

[24] These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.
[25] Such a Complainant is still entitled to supportive measures, but the formal grievance process is not applicable unless the Title IX Coordinator signs the complaint in the event the Complainant cannot/will not do so.

Upon any dismissal, CEI will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal (See Section 37). [The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate.]

Counterclaims

CEI is obligated to ensure that the grievance process is not abused for retaliatory purposes; thus counterclaims made with retaliatory intent will not be permitted. CEI permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith.

Counterclaims determined to have been reported in good faith will be processed using the Resolution Process below. Investigation of such claims may take place after resolution of the underlying initial complaint, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying complaint, at the discretion of the Title IX Coordinators. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

Right to an Advisor

The parties may each have an Advisor of their choice to present with them for all meetings, interviews, and hearings within the Resolution Process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.[26]

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the Resolution Process. The parties may choose Advisors from inside or outside of the CEI community.

The Title IX Coordinators will also offer to assign a trained Advisor to any party if the party so chooses. If the parties choose an Advisor from the pool available from CEI, the Advisor will have been trained by CEI and be familiar with CEI's Resolution Process.

[26] "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

If the parties choose an Advisor from outside the pool of those identified by CEI, the Advisor may not have been trained by CEI and may not be familiar with CEI policies and procedures. Parties also have the right to choose not to have an Advisor in the initial stages of the Resolution Process, prior to hearing.

Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. CEI cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, CEI is not obligated to provide an attorney.
[Where applicable under state law or CEI policy, Advisors or attorneys are permitted to fully represent their advisees or clients in resolution proceedings, including all meetings, interviews, and hearings. Although Recipient prefers to hear from parties directly, in these cases, parties are entitled to have evidence provided by their chosen representatives.]

Advisors in Hearings/CEI-Appointed Advisor

Under the Title IX Regulations, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, CEI will appoint a trained Advisor for the limited purpose of conducting any questioning of the parties and witnesses.

Pre-Interview Meetings

Advisors and their advisees may request to meet with the Investigator(s) conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and CEI's policies and procedures.

Advisor Violations of Recipient Policy

All Advisors are subject to the same CEI policies and procedures, whether they are attorneys or not, and whether they are selected by a party or assigned by CEI. Advisors are expected to advise their advisees without disrupting proceedings. [Advisors should not address CEI officials or Investigators in a meeting or interview unless invited to do so (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee[27] during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding during questioning.]

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Resolution Process. Although the Advisor generally may not speak on

[27] Subject to the state law provisions or CEI policy above.

behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow private consultation.

Any Advisor who oversteps their role as defined by this Policy, or who refuses to comply with CEI's established rules of decorum for the hearing, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including CEI requiring the party to use a different Advisor or providing a different CEI-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

Sharing Information with the Advisor

CEI expects that the parties may wish to have CEI share documentation and evidence related to the allegations with their Advisors. CEI provides a consent form that authorizes CEI to share such information directly with a party's Advisor. The parties must either complete and submit this form to the Title IX Coordinators or provide similar documentation demonstrating consent to a release of information to the Advisor before CEI is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, CEI will not comply with that request, OR will comply with that request at the discretion of the Title IX Coordinator. Most communication should be through the individual, him, her or themselves.

Advisors appointed by the institution will not be asked to disclose details of their interactions with their advisees to institutional officials or Decision-makers.

Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by CEI. [Advisors may be asked to sign Non-Disclosure Agreements (NDAs).] The recipient may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by CEI's privacy expectations.

A. Expectation of an Advisor

CEI generally expects an Advisor to adjust their schedule to allow them to attend CEI meetings/interviews/hearings when planned, but the CEI may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

CEI may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

B. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least five (5) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinators if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor should be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least five (2) business days before the hearing.

Assistance in Securing an Advisor[28]

For representation, Respondents may wish to contact organizations such as:

- Families Advocating for Campus Equality (http://www.facecampusequality.org)
- Stop Abusive and Violent Environments (http://www.saveservices.org)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (http://www.victimrights.org)
- The National Center for Victims of Crime (http://www.victimsofcrime.org), which maintains the Crime Victim's Bar Association
- The Time's Up Legal Defense Fund (https://nwlc.org/times-up-legal-defense-fund/)

2. Resolution Processes

Resolution proceedings are private. All people present at any time during the Resolution Process are expected to maintain the privacy of the proceedings in accordance with CEI Policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, except for information the parties agree not to disclose as part of an Informal Resolution. CEI encourages parties to discuss any sharing of information with their Advisors before doing so. The Formal Grievance Process is CEI's primary resolution approach unless Informal Resolution is elected by all parties and CEI.

A. Informal Resolution

Three options for Informal Resolution are detailed in this section.

(1) **Supportive Resolution**. When the Title IX Coordinators can resolve the matter informally by providing supportive measures (only) to remedy the situation

[28] This is being provided for informational purposes and does not constitute the CEI's endorsement of any of the external individuals/organizations listed.

(2) **Alternative Resolution**. When the parties agree to resolve the matter through an alternative resolution mechanism [including mediation, restorative practices, facilitated dialogue, etc.], as described below, often before a formal investigation takes place (See Section B)

(3) **Accepted Responsibility**. When the Respondent accepts responsibility for violating policy, and desires to accept the recommended sanction(s) and end the Resolution Process (See Section C)

To initiate Informal Resolution, a Complainant must submit a Formal Complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinators. The parties may agree, as a condition of engaging in Informal Resolution, that statements made, or evidence shared, during the Informal Resolution process will not be considered in the Formal Grievance Process unless all parties' consent.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. [The parties may not enter into an agreement that requires CEI to impose specific sanctions, though the parties can agree to certain restrictions or other courses of action. For example, the parties cannot require a student to be suspended, but the parties can agree that the Respondent will temporarily or permanently withdraw. The only Informal Resolution Process that can result in sanctions levied by the institution is "Accepted Responsibility."] The Title IX Coordinators have discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

Prior to implementing Informal Resolution, CEI will provide the parties with written notice of the reported misconduct and any sanctions (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by CEI.

CEI will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

B. Alternative Resolution Approaches

The Title IX Coordinators may consider the following factors to assess whether Alternative Resolution is appropriate, or which form of Alternative Resolution may be most successful for the parties:

- Likelihood of potential resolution, considering any power dynamics between the parties
- The parties' amenability to Alternative Resolution
- The nature and severity of the alleged misconduct

- The parties' motivation to participate
- Civility of the parties
- Results of a violence risk assessment/ongoing risk analysis
- Disciplinary history of the Respondent
- Whether an emergency removal is needed
- Skill of the Alternative Resolution facilitator with this type of complaint
- Complaint complexity
- Emotional investment/capability of the parties
- Rationality of the parties
- Goals of the parties
- Adequate resources to invest in Alternative Resolution (time, staff, etc.)

The ultimate determination of whether Alternative Resolution is available or successful is made by Title IX Coordinators. The Title IX Coordinators are authorized to facilitate a resolution that is acceptable to all parties, and/or to accept a resolution that is proposed by the parties, usually through their Advisors, including terms of confidentiality, release, and non-disparagement.

The Title IX Coordinators maintain records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., referral for formal resolution, referral to the conduct process for failure to comply). The results of complaints resolved by Alternative Resolution are not appealable.

A. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all the alleged misconduct, the formal process will be paused, and the Title IX Coordinators will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinators will determine whether all parties and CEI are able to agree on responsibility, restrictions and/or remedies. If so, the Title IX Coordinators implement the accepted finding that the Respondent is in violation of CEI policy and implements agreed-upon restrictions and remedies and determines the appropriate sanction(s) in coordination with other appropriate administrator(s), as necessary. This result is not subject to appeal once all parties indicate their written assent to all agreed upon resolution terms. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.[29]

[29] The parties may not want discussions that take place within Informal Resolution to be admissible in a later Formal Grievance Process, but essential facts must and do transfer from the informal process to the formal. Disclosing something in an informal setting to shield it from formal admissibility is a cynical strategy, so administrators should take care in determining the terms of any assurances of the confidentiality of the Informal Resolution.

When a resolution is accomplished, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct on the Complainant and the community.

3. Formal Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators[30] ("the Pool") to carry out the process. Details about the Pool may be found in Policy 602 and by speaking with the Title IX Coordinators.

A. Pool Member Roles

Members of the Pool are trained annually, and can serve in the following roles, at the discretion of the Title IX Coordinators:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in Informal Resolution or Alternative Resolution if appropriately trained in appropriate resolution approaches (e.g., mediation, restorative practices, facilitated dialogue)
- To perform or assist with initial assessment
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

B. Pool Member Appointment

The Title IX Coordinators appoint the Pool,[31] which acts with independence and impartiality. [Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different complaints, CEI can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.]

C. Pool Member Training

Pool members receive annual training. This training includes, but is not limited to:

- The scope of CEI's Policies and Procedures

[30] External, trained third-party neutral professionals may also be used to serve in Pool roles

[31] This does not preclude CEI from having all members of the Pool go through an application and/or interview/selection process

- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, timely, and impartial manner
- How to conduct a sexual harassment investigation
- Trauma-informed practices pertaining to investigations and resolution processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by CEI with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and Informal Resolution Processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants, and based on sex, race, religion, and other protected characteristics
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to creating an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

CEI follows ATIXA training guidelines for Pools. Questions may be addressed to the Title IX Coordinators.

D. Pool Membership

The Pool can include:

- a representative from Human Resources and/or one from Student Affairs, Administration etc., who respectively chair hearings for allegations involving student and employee Respondents
- a member of the Academic Affairs administration and/or faculty or
- a member of the administration/staff or
- a representative from Campus Safety or
- a representative from the Student Accessibility Services office

Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinators.

4. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinators will provide written Notice of the Investigation and Allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who will be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all allegations
- The identity of the parties involved (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies implicated
- A description of the applicable procedures
- A statement of the potential sanctions/responsive actions that could result
- A statement that CEI presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity during the review and comment period to inspect and review all directly related and/or relevant evidence obtained
- A statement about CEI's policy on retaliation
- Information about the confidentiality of the process
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor
- A statement informing the parties that CEI's policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how the party may request disability accommodation during the Resolution Process
- The name(s) of the Investigator(s), along with a process to identify to the Title IX Coordinators, in advance of the interview process, any conflict of interest that the Investigator(s) may have
- An instruction to preserve any evidence that is directly related to the allegations

Amendments and updates to the NOIA may be made as the investigation progresses, and more information becomes available regarding the addition or dismissal of various allegations.

Notice will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' CEI-issued email or designated accounts. Once emailed, and/or received in-person, notice will be presumptively delivered.

5. Resolution Timeline

CEI will make a good faith effort to complete the Resolution Process generally within a sixty to ninety (60-90) business-day time period, including appeal if any, which can be extended as necessary for appropriate cause by the Title IX Coordinators, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

6. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinators appoint Pool members to conduct the investigation (typically using a team of two Investigators), usually within five (5) business days of determining that an investigation should proceed.

7. Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process [including the Title IX Coordinators, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent. The Title IX Coordinators will vet the assigned Investigator(s) for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, the parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinators will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is one of the Title IX Coordinators, concerns should be raised with Vice-President of Academic and Student Affairs.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

CEI operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

8. Investigation Timeline

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take many weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, law enforcement involvement, etc.
CEI will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

9. Investigation Process Delays and Interactions with Law Enforcement

CEI may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or health conditions.

CEI will communicate the anticipated duration and reason to the parties in writing and provide the parties with status updates if necessary. CEI will promptly resume its investigation and Resolution Process as soon as feasible. During such a delay, CEI will implement supportive measures as deemed appropriate.

CEI action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed, or that criminal charges have been dismissed or reduced.

10. Investigation Process Steps

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses available; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record. [Recordings are generally not provided to parties.]

At the discretion of Title IX Coordinators, investigations can be combined when complaints implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated
- Assist the Title IX Coordinators, if needed, conduct a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the parties and witnesses
- Meet with the Complainant to finalize their interview/statement, if necessary
- Work with the Title IX Coordinators, as necessary, to prepare the initial Notice of Investigation and Allegations (NOIA). The NOIA may be amended with any additional or dismissed allegations
    - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party

- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which CEI does not intend to rely in reaching a determination, for a ten (10) business-day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) days.
- Elect to respond in writing in the investigation report to the parties submitted responses and/or to share the responses between the parties for additional responses
- Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period.
- Incorporate any relevant feedback and share the final report with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties and Advisors are also provided with a file of any directly related evidence that was not included in the report.

11. Witness Role and Participation in the Investigation

Witnesses (as distinguished from the parties) who are employees of CEI are strongly encouraged to cooperate with and participate in CEI's investigation and Resolution Process. Student witnesses and witnesses from outside CEI's community are encouraged to cooperate with CEI's investigations and to share what they know about a complaint.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Zoom, Microsoft Teams, WebEx, or similar technologies may be used for interviews if the Investigator(s) determines that timeliness, efficiency, or other reasons dictate a need for remote interviewing. CEI will take appropriate steps to reasonably ensure the security/privacy of remote interviews. Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

12. Interview Recording

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties should be made aware of [32] audio and/or video recording.

13. Evidentiary Considerations

Neither the investigation nor the hearing will consider: (1) incidents not relevant or not directly related to the possible violation(s), unless they evidence a pattern; or (2) questions and evidence about the Complainant's sexual predisposition; or (3) questions and evidence about the Complainant's prior sexual behavior, unless such 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 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.
Within the boundaries stated above, the investigation and the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

14. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinators will refer the matter for a hearing.

The hearing cannot be held less than ten (10) business days from the conclusion of the investigation–when the final investigation report is transmitted to the parties and the Decision-maker(s)–unless all parties and the Decision-maker(s) agree to an expedited timeline.

The Title IX Coordinators will select an appropriate Decision-maker [or Decision-makers] from the Pool and provide a copy of the investigation report and the file of directly related evidence. [Allegations involving student-employees in the context of their employment will be directed to the appropriate HR Decision-maker(s) depending on the context and nature of the alleged misconduct.]

[32] Consent of the interviewer and interviewee is required in "dual-party recording" states.

15. Hearing Decision-maker Composition

CEI will designate a single Decision-maker or panel from the Pool, at the discretion of the Title IX Coordinators. The single Decision-maker will also Chair the hearing. With a panel, one of the members will be appointed as Chair by the Title IX Coordinators.

The Decision-maker(s) will not have had any previous involvement with the complaint. The Title IX Coordinators may elect to have an alternate from the Pool to sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinators may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill the facilitator's role. The hearing will be convened at a time and venue determined by the Title IX Coordinators or designee.

16. Additional Evidentiary Considerations in the Hearing

Previous disciplinary action of any kind involving the Respondent may not be used unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility, assuming the Recipient uses a progressive discipline system. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker(s) renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

17. Hearing Notice

No less than ten (10) business days prior to the hearing,[33] the Title IX Coordinators or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.

[33] Unless an expedited hearing is agreed to by all parties.

- Description of any technology that will be used to facilitate hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinators as soon as possible, preferably at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker(s) based on demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinators at least five (5) business days prior to the hearing.
- Information on how the hearing will be recorded and how the parties can access the recording after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinators if they wish to conduct cross-examination and do not have an Advisor, and CEI will appoint one. Each party must have an Advisor present if they intend to cross-examine others. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the complaint unless they have already been provided.[34]
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker(s) will review during any sanction determination.
- An invitation to contact the Title IX Coordinators to arrange any disability accommodation, language assistance, and/or interpretation services that may be needed at the hearing, at least five (5) business days prior to the hearing.
- Whether parties can/cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by CEI and remain generally within the 60-90 business-day goal for resolution. Employees who do not have 12-month contracts are still expected to participate in Resolution Proceedings that occur during months between contracts.

18. Alternative Hearing Participation Options

If a party or parties prefers not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinators or the Chair as soon as possible, preferably at least five (5) business days prior to the hearing.

The Title IX Coordinators or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for

[34] The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinators or the Chair know as soon as possible, preferably at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

19. Pre-Hearing Preparation

After any necessary consultation with the parties, the Chair will provide the names of people who have been asked to participate in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing. Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) [or have proffered a written statement or answered written questions], unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any relevant evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and/or instruct that the investigation needs to be re-opened to consider that evidence.[35]

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinators as soon as possible and no later than five (5) business days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinators conclude that their actual or perceived bias or conflict of interest precludes an impartial hearing of the complaint.

The Title IX Coordinators will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business-day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at a pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

20. Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and their Advisors and invite them to submit the questions or topics they (the parties and their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

[35] 34 C.F.R. § 668.46(k)(3)(B)(3) requires "timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings."

However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration on a pre-hearing ruling by the Chair based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

[The Chair, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.]

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinators or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded. The pre-hearing meetings may be conducted as separate meetings with each party/Advisor, with all parties/Advisors present at the same time, remotely, or as a written-only exchange. The Chair will work with the parties to establish the format.

21. Hearing Procedures

At the hearing, the Decision-maker(s) have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Equal Opportunity, Harassment, and Nondiscrimination Policy. Participants at the hearing will include the Chair or Title IX Coordinators, any additional panelists, the Investigator(s) who conducted the investigation, the Advisors to the parties, any called witnesses, and anyone providing authorized accommodation, interpretation, and/or assistive services.

The Chair will answer all questions of procedure.

Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-maker(s) and the parties, and the witnesses will then be excused. The Investigator(s) will remain present for the duration of the hearing.

22. Joint Hearings

In hearings involving more than one Respondent and/or involving more than one Complainant who has accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinators may permit the investigation and/or hearings pertinent to each Respondent or complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each complaint with respect to each alleged policy violation.

23. The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) based on bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinators will review the challenge and decide.
The Chair or Title IX Coordinators then conduct the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by the Title IX Coordinators.[36]

The Title IX Coordinators or their Administrative Assistant may attend to logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

24. Investigator Presentation of Final Investigation Report

The Investigator(s) will present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors).

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and Advisors and parties will refrain from discussion of or questions for Investigators about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

25. Testimony and Questioning

Once the Investigator(s) present(s) the report and respond(s) to questions, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The hearing will facilitate questioning of parties and witnesses by the Decision-maker(s) and then by the parties through their Advisors.

[36] If not conflicted out by previous involvement, the Title IX Coordinator may serve as the hearing facilitator/case manager.

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider the question (and state it if it has not already been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance to the Advisors if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinators, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe bias.

26. Refusal to Submit to Questioning; Inferences

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

27. Hearing Recordings

Hearings (but not deliberations) are recorded by CEI for purposes of review in the event of an appeal. The parties may not record the proceedings, and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of CEI will be permitted to review the recording or review a transcript of the recording, upon request to the Title IX Coordinators. No person will be given or be allowed to make a copy of the recording without the permission of Title IX Coordinators.

28. Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible for the policy violation(s) in question. [If a panel is used, a simple majority vote is required to determine the finding.] The preponderance of the evidence standard of proof is used. When there is a finding of responsibility for one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party's impact and/or mitigation statement(s) in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any submitted impact and/or mitigation statement(s) once they are submitted.

The Decision-maker(s) will also review any pertinent conduct history provided by the Dean of Students and will recommend the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Chair will then prepare a written statement detailing all findings and final determinations, the rationale(s) explaining the decision(s), the evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s) or recommendation(s) and rationales explaining the sanction(s) and will deliver the statement to the Title IX Coordinator.

This statement is typically three to five (3-5) pages in length and must be submitted to the Title IX Coordinators within five (5) business days of the end of deliberations unless the Title IX Coordinators grant an extension. If an extension is granted, the Title IX Coordinators will notify the parties.

29. Notice of Outcome

Using the deliberation statement, the Title IX Coordinators will work with the Chair to prepare a Notice of Outcome letter. The Notice of Outcome will then be reviewed by legal counsel. The Title IX Coordinators will then share the letter, which includes the final determination, rationale, and any applicable sanction(s), with the parties and their Advisors within five (5) business days of receiving the deliberation statement.
The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official CEI records,[37] or emailed to the parties' CEI-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific alleged policy violation(s), including the relevant policy section(s), and will contain a description of the procedural steps taken by the Recipient from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding for each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the CEI is permitted to share such information under state or federal law; any sanction(s) issued

[37] Again, consider the confidentiality implications of sending mail to a home address.

which CEI is permitted to share according to state or federal law; and whether remedies will be provided to the Complainant to ensure access to the CEI's educational or employment program or activity.

The Notice of Outcome will also include information on when the results are considered final by the CEI, will note any changes to the outcome and/or sanction(s) that occur prior to finalization, and the relevant procedures and bases for appeal.

30. Rights of the Parties (See Appendix C)

31. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s).

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a grievance process at any time, and/or referring that information to another process for resolution.

A. Student Sanctions

The following are the common sanctions that may be imposed upon students singly or in combination.

- *Warning*: A formal statement that the conduct was unacceptable, and a warning that further violation of any CEI policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either CEI-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in

violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.

- *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at CEI
- *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend CEI-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript, subject to any applicable expungement policies.
- *Withholding Diploma*: CEI may withhold a student's diploma for a specified period of time and/or deny a student's participation in commencement activities as a sanction if the student is found responsible for violating policy.
- *Revocation of Degree*: The Recipient reserves the right to revoke a degree previously awarded from the Recipient for fraud, misrepresentation, and/or other violation of Recipient policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Other Actions*: In addition to or in place of the above sanctions, the Recipient may assign any other sanctions as deemed appropriate.

B. Student Organization Sanctions

The following are the common sanctions that may be imposed upon student organizations singly or in combination:[38]

- *Warning*: A formal statement that the conduct was unacceptable, and a warning that further violation of any CEI policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of CEI funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student organization recognition for a definite period not to exceed two years and/or until specific criteria are met. During the suspension period, a student organization may not conduct any formal or informal business or participate in CEI-related activities, whether they occur on or off campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from CEI.

[38] Subject to Recipient's Organizational Code of Conduct.

- *Expulsion*: Permanent termination of student organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- *Loss of Privileges*: Restricted from accessing specific CEI privileges for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, CEI may assign any other sanctions as deemed appropriate.

C. Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Verbal or Written Warning*
- *Performance Improvement Plan/Management Process*
- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Delay of (or referral for delay of) Tenure Track Progress*
- *Assignment to New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension/Administrative Leave with Pay*
- *Suspension/Administrative Leave without Pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions/responsive actions, CEI may assign any other responsive actions as deemed appropriate.

32. Withdrawal or Resignation Before Complaint Resolution

A. Students

Should a Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from CEI, the Resolution Process typically ends with a dismissal, as CEI has lost primary disciplinary jurisdiction over the withdrawn student. However, CEI may continue with the Resolution Process when, at the discretion of the Title IX Coordinators, doing so may be

necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the complaint is dismissed or pursued to completion of the Resolution Process, CEI will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely and, if found in violation, that student is not permitted to return to CEI unless and until all sanctions, if any, have been satisfied.

B. Employees

Should an employee Respondent resign with unresolved allegations pending, the Resolution Process typically ends with dismissal, as CEI has lost primary disciplinary jurisdiction over the resigned employee. However, CEI may continue the Resolution Process when, at the discretion of the Title IX Coordinators, doing may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation. Regardless of whether the matter is dismissed or pursued to completion of the Resolution Process, CEI will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for academic admission or rehire with CEI or any CEI location, and the records retained by the Title IX Coordinators will reflect that status.

33. Appeals

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinators within five (5) business days of the delivery of the Notice of Outcome.

A [three]-member appeal panel chosen from the Pool will be designated by the Title IX Coordinators OR A single Appeal Decision-maker will Chair the appeal. No Appeal Decision-maker(s) will have been previously involved in the Resolution Process for the complaint, including in any dismissal of appeal that may have been heard earlier in the process. [A voting Chair of the Appeal panel will be designated by the Title IX Coordinators.]

The Request for Appeal will be forwarded to the Appeal Chair or designee for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

A. Grounds for Appeal

Appeals are limited to the following grounds:

1) Procedural irregularity affected the outcome of the matter

2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
3) The Title IX Coordinators, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair, and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify all parties and their Advisors, the Title IX Coordinators, and, when appropriate, the Investigator(s) and/or the original Decision-maker(s).

All other parties and their Advisors, the Title IX Coordinators, and, when appropriate, the Investigator(s) and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the Request for Appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses, if any, will be forwarded by the Appeal Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinators, and the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all parties. If not approved, the parties will be notified accordingly, in writing.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds for appeal, and the subsequent responses will be shared with the Appeal Panel/Chair, and the Chair/Panel will render a decision within no more than five (5) business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which CEI is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent CEI is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' CEI-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

B. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed (i.e. not implemented) during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure of procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then the emergency removal procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within 48 hours of implementation.

If the original sanctions include separation in any form, the Recipient may place a hold on official transcripts, diplomas, graduations, course registration, etc. pending the outcome of an appeal. The Respondent may request a stay of these holds from the Title IX Coordinators within two (2) business days of the notice of the sanctions. The request will be evaluated by the Title IX Coordinators or designee, whose determination is final.

C. Appeal Considerations

- Appeals are not intended to provide a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- Decisions on appeal are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Decision-maker(s) may consult with the Title IX Coordinators and/or legal counsel on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultations will be maintained.
- Appeals granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker(s) for reconsideration.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where an error cannot be cured by the original Decision-maker(s) (as in cases of bias), the Appeal Chair/Decision-maker(s) may order a new investigation and/or a new hearing with new Pool members serving in the Investigator and Decision-maker roles.
- The results of the new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases that result in reinstatement to CEI or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

34. Long-Term Remedies/Other Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented, the Title IX Coordinators may implement additional long-term remedies or actions with respect to the parties and/or the institutional community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinators, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinators will address any remedies CEI owes the Respondent to ensure no effective denial of educational access.

CEI will maintain the confidentiality of any long-term remedies/actions/measures; provided confidentiality does not impair CEI's ability to provide these services.

35. Failure to Comply with Sanctions and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s).
Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from CEI. Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinators.

36. Recordkeeping

CEI will maintain for a period of seven years following the conclusion of the Resolution Process, records of:

1) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation
2) Any disciplinary sanctions imposed on the Respondent
3) Any remedies provided to the Complainant designed to restore or preserve equal access to CEI's education program or activity
4) Any appeal and the result therefrom
5) Any Informal Resolution and the result therefrom
6) All materials are used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. CEI will make these training materials publicly available on CEI's website.
7) Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
   - The basis for all conclusions that the response was not deliberately indifferent
   - Any measures designed to restore or preserve equal access to CEI's education program or activity
   - If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable considering the known circumstances

CEI will also maintain all records in accordance with state and federal laws.[39]

37. Disability Accommodations in the Resolution Process

CEI is committed to providing reasonable accommodation and support to qualified students, employees, or others with disabilities to ensure equal access to the CEI's Resolution Process.

Anyone needing such accommodations or support should contact the Director of Disability/Access Services or Appropriate HR individual if employee, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinators, determine which accommodations are appropriate and necessary for full participation in the process.

Revision of this Policy and Procedures

This Policy and procedures supersede any previous policies addressing harassment, sexual misconduct, discrimination, and/or retaliation for incidents occurring on or after August 14, 2020, under Title IX and will be reviewed and updated annually by the Title IX Coordinators. CEI reserves the right to make changes to this document necessary, and once those changes are posted online, they are in effect.

During the Resolution Process, the Title IX Coordinators may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to

[39] A model record maintenance and access policy can be found in Appendix H.

accommodate summer schedules. The Title IX Coordinators may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require Policy or procedural alterations not reflected in this Policy and procedures. If government laws or regulations change–or court decisions alter–the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws or regulations or court holdings.

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

This Policy and procedures are effective 04/08/2022

APPENDIX A: PROHIBITED CONDUCT EXAMPLES (TITLE IX)

Examples of possible Sexual Harassment: ￼

- A professor offers for a student to have sex or go on a date with them in exchange for a good grade. This constitutes sexual harassment regardless of whether the student agrees to the request and irrespective of whether a good grade is promised or a bad grade is threatened.

- A student repeatedly sends graphic, sexually oriented jokes and pictures to hundreds of other students via social media. Many don't find it funny and ask them to stop, but they do not. Because of these jokes, one student avoids the sender on campus and in the residence hall in which they both live, eventually asking to move to a different building and dropping a class they had together.

- A professor engages students in class in discussions about the students past sexual experiences, yet the conversations are not in any way germane to the subject matter of the class. The professor inquires about explicit details and demands that students answer them, though the students are clearly uncomfortable and hesitant.

- An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort and frustration of the former partner, turning the former partner into a social pariah on campus.

- Chris has recently transitioned from male to nonbinary but primarily expresses as a female. Since their transition, Chris has noticed that their African Studies professor, Dr. Mukembo, pays them a lot more attention. Chris is sexually attracted to Professor Mukembo and believes the attraction is mutual. Chris decides to act on the attraction. One day, Chris visits Dr. Mukembo during office hours, and after a long conversation about being nonbinary, Chris kisses Dr. Mukembo. Dr. Mukembo is taken aback, stops the kiss, and tells Chris not to do that. Dr. Mukembo explains to Chris that they are not sexually or romantically interested in Chris. Chris takes it hard, crying to Dr. Mukembo about how hard it is to find someone who is interested in them now based on their gender identity. Dr. Mukembo feels sorry for Chris and softens the blow by telling them that no matter whether they like Chris or not, faculty-student relationships are prohibited by the university. Chris takes this as encouragement. One night, Chris goes to a gay bar some distance from campus and sees Dr. Mukembo there. Chris tries to buy Dr. Mukembo a drink and, again, tries to kiss Dr. Mukembo. Dr. Mukembo leaves the bar abruptly. The next day, Chris makes several online posts that out Dr. Mukembo as gay and raise questions about whether they are sexually involved with students. Dr. Mukembo contacts the Title IX Office and alleges that Chris is sexually harassing him.

Examples of Stalking:

- Students A and B were "friends with benefits." Student A wanted a more serious relationship, which caused student B to end the relationship. Student A could not let go and relentlessly pursued Student B. Student B obtained a campus no-contact order. Subsequently, Student B discovered their social media accounts were being accessed, and things were being posted and messaged as if they were from them, but they were not. Whoever accessed their account posted a picture of a penis, making it look as if Student B had sent out a picture of themselves, though it was not their penis. This caused them considerable embarrassment and social anxiety. They changed their passwords, only to have it happen again. Seeking help from the Title IX Coordinator, Student B met with the IT department, which discovered an app on their phone and a keystroke recorder on their laptop, both of which were being used to transmit their data to a third party.

- A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary, and they would appreciate it if the gift deliveries stopped. The student then started leaving notes of love and gratitude on the tutor's car, both on-campus and at home. Asked again to stop, the student stated by email, "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. If I can't have you, no one will."

Examples of Sexual Assault:

- Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00 p.m. until 3:00 a.m., Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. Despite her clear communications that she is not interested in doing anything sexual with him, Bill keeps at her, questions her religious convictions, and accuses her of being "a prude." He brings up several rumors that he has heard about how she performed oral sex on several other guys. Finally, it seems to Bill that her resolve is weakening, and he convinces her to "jerk him off" (hand to genital contact). Amanda would never have done it but for Bill's incessant coercion.

- Jiang is a junior. Beth is a sophomore. Jiang comes to Beth's residence hall with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, Jiang and Beth are alone. They hit it off, soon become more intimate, and start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a babysitter at the age of five and avoids sexual relations as a result, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with Beth. Beth has a severe flashback to her childhood trauma. She

wants to tell Jiang to stop but cannot. Beth is stiff and unresponsive during the intercourse.

- Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it's a lot. After the party, he walks John to his apartment, and John comes on to Kevin, initiating sexual activity. Kevin asks John if he is really up to this, and John says yes. They remove each other's clothes, and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that John seems groggy and passive, and he thinks John may have even passed out briefly during sex, but he came to again. When Kevin runs into John the next day, he thanks him for the great night. John remembers nothing and decides to make a report to the Dean.

Examples of Retaliation:

- A student-athlete alleges sexual harassment by a coach; the coach subsequently cuts the student-athlete's playing time without a legitimate justification.

- A faculty member alleges gender inequity in pay within her department; the Department Chair then revokes approval for the faculty member to attend a national conference, citing the faculty member's tendency to "ruffle feathers."

- A student from Organization A participates in a sexual harassment investigation as a witness whose testimony is damaging to the Respondent, who is also a member of Organization A; the student is subsequently removed as a member of Organization A because of their participation in the investigation.

APPENDIX B: INFORMAL RESOLUTION (IR)

ATIXA has framed a process for IR that includes three options:

1) A response based on supportive measures
2) A response based on a Respondent accepting responsibility
3) A response based on alternative resolution, which could include various approaches and/or facilitation of dialogue

Alternative resolution approaches such as mediation, restorative practices, and transformative justice are likely to be used more and more often by colleges and universities. ATIXA does not endorse these approaches as better or worse than other formal or informal approaches.

ATIXA believes that if they are to be used in and are effective for sex offenses, they need to be carefully and thoughtfully designed and executed and be facilitated by well-trained personnel who take the necessary time to prepare and lay a foundation for success. Although no approach is a panacea, the framework below can help to lay that foundation, regardless of which approach(es) are used.

Here are the principles to be considered in supporting various approaches to Informal Resolution:

- IR can be applied in any sex/gender-based interpersonal conflict but may not be appropriate or advisable in cases involving violent incidents (sexual violence, stalking, domestic and dating violence, severe sexual harassment, sexual exploitation, etc.)
- Situations involving dangerous patterns or significant ongoing threat to the community should not be resolved by IR.
- The determination of whether to permit an IR-based resolution is entirely at the discretion of the Title IX Coordinators (TIXC) and in line with the requirements for IR laid out in the Title IX regulations.
- Any party can end IR early-, mid-, or late-process for any reason or no reason.
- IR can be attempted before and in lieu of formal resolution as a diversionary resolution (although a Formal Complaint must be filed if you are within 34 C.F.R. § 106.30, per OCR).
- Alternative approaches can inform formal resolution, as in a formal resolution model infused with restorative practices.
- IR-based processes could be deployed after formal resolution, as an adjunct healing/catharsis opportunity (that could potentially mitigate sanctions or be a form of sanction).
- Alternative Resolution approaches to IR must be facilitated by CEI or a third party. There may be value in creating clearly agreed-upon ground rules, which the parties must sign in advance and agree to abide by, otherwise the Informal Resolution process may be deemed to have failed.
- Technology-facilitated IR can be made available, should the parties not be able or willing to meet in person.

- If IR fails, a formal resolution can take place thereafter. Evidence elicited within the "safe space" of the IR facilitation could be later admissible in the formal resolution unless all parties determine it should not be. This will be clearly spelled out as a term of the decision to engage in the IR process.
- With cases involving violence, the preferred alternative approach typically involves a minimal number of essential parties and is not a restorative circle approach with many constituents, in order to ensure confidentiality.
- Some approaches require a reasonable gesture toward accountability (this could be more than an acknowledgement of harm) and some acceptance, or at least recognition, by the Respondent that catharsis is of value and likely the primary goal of the Complainant.
- A full admission by the Respondent is not a prerequisite. This willingness needs to be vetted carefully in advance by the TIXC before determining that an incident is amenable/appropriate for resolution by IR.
- IR can result in an agreement between the parties (Complainant, Respondent, CEI), which is summarized in writing by and enforced by CEI. This can be a primary goal of the process.
- IR can result in the voluntary imposition of safety measures, remedies, and/or agreed-upon resolutions by the parties that are enforceable by CEI. These can be part of the agreement.
- As a secondary goal, IR can result in the voluntary acceptance of "sanctions," meaning that a Respondent could agree to withdraw, self-suspend (by taking a leave of absence), or undertake other restrictions/transfers/online course options that would help to ensure the safety/educational access of the Complainant, in lieu of formal sanctions that would create a formal record for the Respondent. These are enforceable by CEI as part of the agreement, as may be in terms of mutual release, non-disparagement, and/or non-disclosure.
- Although a non-disclosure agreement (NDA) could result from IR, it would have to be mutually agreed upon by the parties in an environment of non-coercion verified by the TIXC.
- Institutions must develop clear rules for managing/facilitating the conference/meeting/dialogue of alternative resolution approaches to ensure they are civil, age-appropriate, culturally competent, reflective of power imbalances, and maximize the potential for the Resolution Process to result in catharsis, restoration, remedy, etc., for the Complainant(s).

APPENDIX C: STATEMENT OF RIGHTS OF THE PARTIES

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment, discrimination, and/or retaliation made in good faith to CEI officials.

- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.

- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.

- The right to be informed in advance of any public release of information by CEI regarding the allegation(s) or underlying incident(s), whenever possible.

- The right not to have any personally identifiable information released by CEI to the public without consent provided, except to the extent permitted by law.

- The right to be treated with respect by CEI officials.

- The right to have CEI policy and these procedures followed without material deviation.

- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.

- The right not to be discouraged by CEI officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.

- The right to be informed by CEI officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by CEI in notifying such authorities, if the party chooses. This also includes the right not to be pressured to report.

- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by CEI Campus Safety Department and/or other CEI officials.

- The right to be informed of available supportive measures, such as counseling; advocacy; health care; student financial aid, visa, and immigration assistance; and/or other services,

both on campus and in the community.

- The right to a CEI-implemented no-contact order when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.

- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either institutional or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
    - Relocating an on-campus student's housing to a different on-campus location (CEI has no housing at this time)
    - Assistance from CEI staff in completing the relocation
    - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
    - Transportation assistance
    - Visa/immigration assistance
    - Arranging to dissolve a housing contract and provide a pro-rated refund
    - Exam, paper, and/or assignment rescheduling or adjustment
    - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
    - Transferring class sections
    - Temporary withdrawal/leave of absence (may be retroactive)
    - Campus safety escorts
    - Alternative course completion options

- The right to have CEI maintain such actions for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair CEI's ability to provide supportive measures.

- The right to receive sufficiently advanced, written notice of any CEI meeting or interview involving another party, when possible.

- The right to identify and have the Investigator(s), Advisors, and/or Decision-maker(s) question relevant available witnesses, including expert witnesses.

- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant, may be asked of any party or witness.

- The right to have inadmissible sexual predisposition/prior sexual history or irrelevant character evidence excluded by the Decision-maker(s).

- The right to know the relevant and directly related evidence obtained and to respond to that evidence.

- The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

- The right to receive a copy of all relevant and directly related evidence obtained during the investigation, subject to privacy limitations imposed by state and federal law, and a ten (10) business-day period to review and comment on the evidence.

- The right to receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least ten (10) business days to review and comment on the report prior to the hearing.

- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.

- The right to regular updates on the status of the investigation and/or resolution.

- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.

- The right to a Hearing Panel that is not single sex in its composition, if a panel is used where possible and if time permits.

- The right to preservation of confidentiality/privacy, to the extent possible and permitted by law.

- The right to meetings, interviews, and/or hearings that are closed to the public.

- The right to petition that any CEI representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.

- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.

- The right to the use of the appropriate standard of evidence, preponderance of the evidence, to make a Finding and Final Determination after an objective evaluation of all relevant evidence.

- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any hearing.

- The right to be promptly informed of the finding(s) and sanction(s) (if any) of the Resolution Process and a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written Notice of Outcome letter delivered simultaneously (without undue delay) to the parties.

- The right to be informed in writing of when a decision by CEI is considered final and any changes to the Final Determination or sanction(s) that occur post Notification of Outcome.

- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the Resolution Process, and the procedures for doing so in accordance with the standards for appeal established by CEI.

The right to a fundamentally fair resolution as defined in these procedures.

APPENDIX D: UNETHICAL RELATIONSHIPS POLICY

EXPECTATIONS REGARDING UNETHICAL RELATIONSHIPS[40]

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty member and student or supervisor and employee). In reality, these relationships may be less consensual than perceived by the individual whose position confers power or authority. Similarly, the relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Circumstances may change, and conduct that was once welcome may, at some point in the relationship, become unwelcome.

Even when both parties have initially consented to romantic or sexual involvement, the possibility of a later allegation of a relevant Policy violation still exists. CEI does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the Recipient. However, for the personal protection of members of this community, relationships in which power differentials are inherent (e.g., faculty-student, staff-student) are generally discouraged. They may also violate standards of professionalism and/or professional ethics.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or otherwise evaluative role over the other party are inherently problematic. Therefore, persons with direct supervisory or otherwise evaluative responsibilities who are involved in such relationships must bring these relationships to the timely attention of their supervisor and/or the Title IX Coordinator. The existence of this type of relationship will likely result in removing the supervisory or evaluative responsibilities from the employee or shifting a party from being supervised or evaluated by someone with whom they have established a consensual relationship. When an affected relationship existed prior to adoption of this Policy, the duty to notify the appropriate supervisor still pertains.

[40] This section is offered as an optional inclusion, as some institutions prefer to include this policy elsewhere, such as a faculty handbook or employee manual. We include it here to inform students, not just employees, of our expectations. Regardless, violation of this policy is a Human Resources/Employee Relations matter and should not be addressed under this Resolution Process unless the elements of the definition of harassment are met.

APPENDIX E: VIOLENCE RISK ASSESSMENT (VRA)

A threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A ***Violence Risk Assessment (VRA)*** is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

The implementation of VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, and/or other Behavioral Intervention Team (BIT) (sometimes also known as CARE teams) members.

A VRA occurs in collaboration with the BIT, CARE, and/or threat assessment team and must be understood as an ongoing process, rather than a singular evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

1) An appraisal of ***risk factors*** that escalate the potential for violence
2) A determination of stabilizing influences that reduce the risk of violence
3) A contextual ***analysis of violence risk*** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence
4) The application of ***intervention and management*** approaches to reduce the risk of violence

To assess an individual's level of violence risk, the Title IX Coordinators will initiate the violence risk assessment process through the BIT. The BIT will assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX case.

The assessor(s) will follow the process for conducting a violence risk assessment and will rely on a consistent, research-based, reliable system that allows for the evaluation of the risk levels.

Some examples of formalized approaches to the VRA process include: The NABITA Risk Rubric,[41] The Structured Interview for Violence Risk Assessment (SIVRA-35),[42] Looking

[41] www.nabita.org/tools
[42] www.nabita.org/resources/assessment-tools/sivra-35

Glass,[43] Workplace Assessment of Violence Risk (WAVR-21),[44] Historical Clinical Risk Management (HCR-20),[45] and MOSAIC.[46]

The VRA is conducted independently from the Title IX process, informed by it, but free from outcome pressure. The individual(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

The BIT team's member(s) conducts a VRA process and makes a recommendation to the Title IX Coordinators as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to the health and/or safety of an individual or the community.

[43] www.nabita.org/looking-glass
[44] www.wavr21.com
[45] http://hcr-20.com
[46] www.mosaicmethod.com

APPENDIX F: PROCESS B[47]

- Process B is applicable when the Title IX Coordinators determine Process A is inapplicable, or offenses subject to Process A have been dismissed.
- If Process A is applicable, Process A must be applied in lieu of Process B.[48]

RESOLUTION PROCESS[49] FOR ALLEGED VIOLATIONS OF THE EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION POLICY

CEI will act on any formal or informal allegation or notice of violation of the Equal Opportunity, Harassment and Nondiscrimination Policy that is received by the Title IX Coordinators[50] or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy above.

The procedures described below apply to all allegations of harassment, discrimination, and/or retaliation based on protected characteristic status involving students, staff, faculty members, or third parties, with the exception of at-will employees, depending upon the circumstances and in consultation with Human Resources and College Counsel.

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing, discriminatory, or retaliatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

1. **Initial Assessment**
   Following intake, receipt of notice, or a complaint of an alleged violation of CEI's nondiscrimination policy, the Title IX Coordinators[51] engage in an initial assessment, which is typically one to five (1-5) business days in duration. The steps in an initial assessment can include:
   - The Title IX Coordinators reach out to the Complainant to offer supportive measures.

[47] This process may be legally insufficient for public institutions in states/jurisdictions that have adopted live hearing/cross-examination and/or formal due process requirements. It would also be insufficient for private institutions in California and the Third Circuit, which should use Process A or some variation thereof.
[48] Recipients can substitute any alternative process instead of Process B, if desired. VAWA Section 304 requirements apply to Process B or any alternative process for reports that fall under VAWA.
Title IX requirements outside of Section 106.30 (based on the original 1975 regulations, etc.) may also be resolved using Process B.
[49] For recipients with grievance processes enabling students and/or employees to challenge disciplinary action, it is recommended that discrimination allegations be exempted from that process and replaced with the Resolution Process outlined. Most existing grievance proceedings are neither equitable (by definition), nor are they sufficiently prompt to satisfy Title IX.
[50] All references herein to a Title IX Coordinator also include a designee of the Title IX Coordinator.
[51] If circumstances require, the President or Title IX Coordinators will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

- The Title IX Coordinators work with the Complainant to ensure they have an Advisor.
- The Title IX Coordinators work with the Complainant to determine which of three options to pursue: A Supportive Response, an Informal Resolution, or an Administrative Resolution.
    - If a Supportive Response is preferred, the Title IX Coordinators work with the Complainant to identify their wishes and then seek to facilitate implementation. An Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
    - If an Informal Resolution option is preferred, the Title IX Coordinators assess whether the complaint is suitable for Informal Resolution and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
    - If Administrative Resolution is preferred, the Title IX Coordinators initiate the investigation process and determines whether the scope of the investigation will address:
        - Incident
        - A potential pattern of misconduct
        - A culture/climate issue[52]
- In many cases, the Title IX Coordinators may determine that a Violence Risk Assessment (VRA) should be conducted by the BIT team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:
    - Interim suspension of a Respondent who is a threat to health/safety
    - Whether the Title IX Coordinators should pursue Administrative Resolution absent a willing/able Complainant
    - Whether to put the investigation on the footing of incident and/or pattern and/or climate
    - To help identify potentially predatory conduct
    - To help assess/identify grooming behaviors
    - Whether a Complaint is amenable to Informal Resolution, and what modality may be most successful
    - Whether to permit a voluntary withdrawal by the Respondent
    - Whether to impose transcript notation or communicate with a transfer recipient about a Respondent
    - Assessment of appropriate sanctions/remedies
    - Whether a Clery Act Timely Warning and/or Trespass order/Persona-non-grata is needed

More about CEI's process for VRA can be found in Appendix E.

Based on the initial assessment, CEI will initiate one of these responses:

[52] The Title IX Coordinator has the discretion to modify these procedures as necessary to address a culture/climate complaint, including the fact that a named complainant may not be available, or that specific respondents may not be identified. Where a program, department, or division is being investigated, administrators are typically named "respondents" on behalf of the program, and are responsible for implementing remedies, but may not be held responsible for misconduct unless there is evidence of intentional disparate treatment).

- **Supportive Response** – measures to help restore the Complainant's education access, as described in the Policy.
- **Informal Resolution** – typically used for less serious offenses and only when all parties agree to Informal Resolution, or when the Respondent is willing to accept responsibility for violating policy.
- **Administrative Resolution** – investigation of alleged policy violation(s) and recommended findings, subject to a determination by the Title IX Coordinator or Decision-maker(s) and the opportunity to appeal.

The investigation and subsequent Administrative Resolution determine whether the Equal Opportunity, Harassment, and Nondiscrimination Policy have been violated. If so, CEI will promptly implement effective remedies designed to end discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinators. If at any point during the initial assessment or formal investigation, the Title IX Coordinators determine that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinators review the reasonable cause of determination and/or re-open the investigation. This decision lies in the sole discretion of Title IX Coordinators, but the request is usually only granted in extraordinary circumstances.

2. Resolution Process Pool

The Resolution Process relies on a pool of officials ("Pool") for implementation. Questions about the Pool may be directed to the Title IX Coordinators.

Members of the Pool can serve in any of the following roles, at the direction of the Title IX Coordinators:

- To provide sensitive intake for and initial advice pertaining to the allegations
- To act as optional process Advisors to the parties
- To investigate allegations
- To serve as a Decision-maker
- To serve as an Appeal Decision-maker

The Title IX Coordinators carefully vet Pool members for potential conflicts of interest or disqualifying biases and appoints the Pool, which acts with independence and impartiality.

Pool members receive annual training organized by the Title IX Coordinators, including a review of CEI policies and procedures as well as applicable federal and state laws and regulations so that they can appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability.

The Pool members receive annual training that includes, but is not limited to:

- The scope of CEI's Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, timely, and impartial manner
- How to conduct a sexual harassment investigation
- Trauma-informed practices pertaining to investigations and Resolution Processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- Types of evidence
- Deliberation
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the institution with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with Policy
- How to conduct an investigation and grievance process including hearings, appeals, and Informal Resolution Processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations

The Resolution Process Pool may include:

- 2 or more chairs: one representative from Human Resources and one from Student Affairs, etc., who respectively chair Appeal Panel hearings for allegations involving student and employee Respondents
- At least 3 members of the Academic Affairs administration
- At least 5 members of the administration/staff
- At least 1 representative from Campus Safety
- At least 2 representatives from Human Resources

Pool members are usually appointed to three-year terms. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinators.

3. Counterclaims

Counterclaims by the Respondent may be made in good faith or may instead be motivated by a retaliatory intent. CEI is obligated to ensure that no process is abused for retaliatory purposes.

CEI permits the filing of counterclaims, but uses the initial assessment, described above, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation. Counterclaims made with retaliatory intent will not be permitted.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinators. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this Policy.

4. Advisors

A. Advisor Expectations

CEI generally expects an Advisor to adjust their schedule to allow them to attend CEI meetings when planned, but CEI may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. CEI may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Parties whose Advisors are disruptive or who do not abide by CEI policies and procedures may face the loss of that Advisor and/or possible Policy violations.

Advisors are expected to consult with their advisees without disrupting CEI meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

B. Expectations of the Parties with Respect to Advisors

Each party may choose an Advisor[53] who is eligible and available[54] to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not

[53] This could include an attorney, advocate, or support person. Witnesses are not entitled to Advisors within the process, though they can be advised externally. If CEI allows more than one Advisor for one party, they should do so for all parties.

[54] "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must implement and monitor sanctions.

be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

The parties are expected to inform the Investigators of the identity of their Advisor at least five (5) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the Title IX Coordinator if they change Advisors at any time.

Upon written request of a party, the Recipient will copy the Advisor on all communications between the Recipient and the party. The Advisor may be asked to sign a non-disclosure agreement (NDA) regarding private, sensitive records.

For parties who are entitled to union representation, the Recipient will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are/are not permitted to have union representation or Advisors in grievance process interviews or meetings.

5. Resolution Options

Proceedings are private. All persons present at any time during the Resolution Process are expected to maintain the privacy of the proceedings in accord with CEI Policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they choose but are encouraged to discuss with their Advisors first before doing so.

A. Informal Resolution

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternative Resolution when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinators can resolve the matter informally by providing remedies to resolve the situation. The Title IX Coordinators have discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails after the resolution is finalized, Administrative Resolution may be pursued.

i. Alternative Resolution

Alternative Resolution is an informal process, such as mediation or restorative practices, by which the parties mutually agree to resolve an allegation. It may be used for less serious, yet inappropriate behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts, as appropriate. The parties must consent to the use of Alternative Resolution.

The Title IX Coordinators determine if Alternative Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternative Resolution.

Alternative Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though similarly structured conversations may be made available after the Administrative Resolution process is completed should the parties and the Title IX Coordinators believe it could be beneficial. The results of Alternative Resolution are not appealable.

ii. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution Process. If the Respondent accepts responsibility, the Title IX Coordinators determine that the individual is in violation of CEI policy.

The Title IX Coordinators then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all the alleged policy violations and the Title IX Coordinators or designee has determined appropriate sanction(s) or responsive actions, to which the Respondent agrees, and which are promptly implemented, the process is over. The Complainant be informed of this outcome. If the Respondent accepts responsibility for <u>some</u> of the alleged policy violations and the Title IX Coordinators have determined appropriate sanction(s) or responsive actions, to which the Respondent agrees, and which are promptly implemented for those violations, then the remaining allegations will continue to be investigated and resolved through Administrative Resolution. The parties will be informed of this outcome. The parties are still able to seek Alternative Resolution on the remaining allegations, subject to the stipulations above.

B. Administrative Resolution via an Investigation and Hearing

Administrative Resolution can be pursued at any time during the process for any behavior for which the Respondent has not accepted responsibility that would constitute conduct covered by the Equal Opportunity, Harassment, and Nondiscrimination Policy if proven. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinators will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official CEI records, or emailed to the parties' CEI-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification will include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

The Recipient aims to complete all investigations within a sixty (60) business-day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinators, with notice to the parties as appropriate. Investigations can take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Once the decision is made to commence an investigation, the Title IX Coordinators appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within five (5) business days of determining that an investigation should proceed.

The Title IX Coordinators will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the Resolution Process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinators will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinators, concerns should be raised with the Vice President of Academic and Student Affairs, Human Resources or the President, depending upon the circumstances.

CEI will make a good faith effort to complete the investigation as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

CEI may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke CEI's Resolution Process are being investigated by law enforcement. CEI will promptly

resume its investigation and Resolution Process once notified by law enforcement that the initial evidence collection process is complete.

CEI action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed, or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

6. Investigation

The Investigators typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with institutional partners (e.g., the Title IX Coordinators), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct
- Assist the Title IX Coordinators with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegations (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.
- Notice should inform the parties of their right to have the assistance of a Pool member as a process Advisor appointed by CEI or an Advisor of their choosing present for all meetings attended by the advisee
- When formal notice is given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- Give an instruction to the parties to preserve any evidence that is directly related to the allegations
- Provide the parties and witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific party or witness

- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest questions they wish for the Investigator(s) to ask the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide the parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)
- Provide each party with a full and fair opportunity to respond to the report in writing within five (5) business days and incorporate that response, if any, into the report
- Investigators may choose to respond in writing to the report of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop.

7. Determination

Within five (5) business days of receiving the Investigator's recommendation, the Title IX Coordinators or a trained, designated Decision-maker from the Pool[55] reviews the report and all responses and then makes the final determination on the basis of the preponderance of the evidence.

If the record is incomplete, the Title IX Coordinators/Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The investigation recommendation, if any, should be strongly considered but is not binding on the Title IX Coordinators/Decision-Maker. The Title IX Coordinators or Decision-maker may invite and consider impact and/or mitigation statements from the parties if and when determining appropriate sanction(s), if any.

8. Additional Details of the Investigation Process

A. Witness Responsibilities

[55] When the Title IX Coordinators are the Investigator or have been heavily involved in the process prior to determination, a Decision-maker should be designated from the Pool to ensure there is no conflict of interest.

Witnesses (as distinguished from the parties) who are CEI faculty or staff are expected to cooperate with and participate in CEI's investigation and Resolution Process. Failure of a witness to cooperate with and/or participate in the investigation or Resolution Process constitutes a violation of Policy and may be subject to discipline.

B. Remote Processes

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) and/or Decision-maker determine that timeliness, efficiency, or other causes dictate a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigator(s), though this approach is not ideal. When remote technologies are used, CEI makes reasonable efforts to ensure privacy and ensures that any technology does not work to the detriment of any party or subject them to unfairness.

C. Recording

No unauthorized audio or video recording of any kind is permitted during the Resolution Process including investigation interviews. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of[56] audio and/or video recording.

D. Evidence

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct, subject to the limitation in (E) below. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

E. Prior Sexual History/Patterns

Unless the Title IX Coordinators/Decision-maker determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation(s), unless they evidence a pattern; (2) the irrelevant sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); (3) irrelevant character evidence.

F. Previous Allegations/Violations

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Title IX Coordinators/Decision-maker with information about previous good faith allegations

[56] Consent of the interviewer and interviewee is required in "dual-party recording" states.

and/or findings, when that information suggests potential pattern and/or predatory conduct.

If CEI uses a progressive discipline system, previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s).

Character witnesses or evidence may be offered. The investigation and hearing will determine if the character evidence is relevant. If so, it may be considered. If not, it will be excluded.

G. Notification of Outcome

If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinators [in consultation with other administrators as appropriate] determine sanction(s) and/or responsive actions, which are promptly implemented in order to effectively to stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The Title IX Coordinators inform the parties of the determination within five (5) business days of the resolution, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in CEI records, or emailed to the parties' CEI-issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s) that may result which CEI is permitted to share pursuant to state or federal law, and the rationale supporting the findings to the extent CEI is permitted to share under state or federal law.

The notice will detail when the determination is considered final (See Section 11) and will detail any changes that are made prior to finalization.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal, and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found in Section 11.

9. Sanctions

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)

- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Title IX Coordinators/Decision-maker

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities. Please see Code of Conduct, Title IX and Equity Resolutions Policies at: https://www.cei.edu/policy/policy-602-title-ix-equal-opportunity-harassment-and-non-discrimination

A. Student Sanctions

The following are the common sanctions[57] that may be imposed upon students singly or in combination:

- *Warning*: A formal statement that the conduct was unacceptable, and a warning that further violation of any CEI policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either CEI-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at CEI.
- *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend CEI-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript, [subject to any applicable expungement policies.]
- *Withholding Diploma*: CEI may withhold a student diploma for a specified period of time and/or deny a student's participation in commencement activities as a sanction if the student is found responsible for an alleged violation.

[57] CEI policies on transcript notation will apply to these proceedings.

- *Revocation of Degree*: CEI reserves the right to revoke a degree previously awarded from CEI for fraud, misrepresentation, and/or other violation of CEI policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Other Actions*: In addition to or in place of the above sanctions, CEI may assign any other sanctions as deemed appropriate.

B. Student Organization Sanctions

The following are the common sanctions that may be imposed upon student organizations singly or in combination:[58]

- *Warning*: A formal statement that the conduct was unacceptable, and a warning that further violation of any CEI policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of CEI funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student organization recognition for a definite period of time not to exceed two years and/or until specific criteria are met. During the suspension period, a student organization may not conduct any formal or informal business or participate in CEI-related activities, whether they occur on or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from CEI.
- *Expulsion*: Permanent termination of student organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- *Loss of Privileges*: Restricted from accessing specific Recipient privileges for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, CEI may assign any other sanctions as deemed appropriate.

C. Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Verbal or Written Warning*
- *Performance Improvement Plan/Management Process*

[58] Subject to CEI's Organizational Code of Conduct.

- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Delay of Tenure Track Progress*
- *Assignment to New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension with Pay*
- *Suspension without Pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions/responsive actions, CEI may assign any other responsive actions as deemed appropriate.

10. Withdrawal or Resignation while Charges are Pending

A. Students

CEI may place a hold, barring access to an official transcript, and/or prohibit graduation as necessary to permit the Resolution Process to be completed. CEI does not permit a student to withdraw if that student has an allegation pending violation of the Equal Opportunity, Harassment, and Nondiscrimination Policy.

B. Employees

Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinators will reflect that status, and any CEI responses to future inquiries regarding employment references for that individual will include the former employee's unresolved status.

11. Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinators within five (5) business days of the delivery of the written finding of the Title IX Coordinators or Decision-maker.

An Appeal Decision-maker chosen from the Pool will be designated by the Title IX Coordinators from those who have not previously been involved in the process. Any party may appeal, but appeals are limited to the following grounds:

1) A procedural error or omission occurred that significantly impacted the outcome (e.g., substantiated bias, material deviation from established procedures.

2) To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the appeal.

When any party requests an appeal, the Title IX Coordinators will share the appeal request with all other parties or other appropriate persons such as the Investigator(s), who may file a response within five (5) business days. Another party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within five (5) business days. These responses or appeal requests will be shared with each party. The Appeal Chair/Panel will review the appeal request(s) within five (5) business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the Appeal Chair/Panel dismisses the appeal.

When the Appeal Chair/Panel finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

- Decisions by the Appeal Chair/Panel are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appeal Chair/Panel to substitute their judgment for that of the original Investigator(s) or Title IX Coordinators/Decision-maker merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeal Chair/Panel.
- Sanctions imposed as the result of the Administrative Resolution are implemented immediately unless the Title IX Coordinators stay their implementation in extraordinary circumstances, pending the outcome of the appeal.
    - For students: Graduation, study abroad, internships/externships, etc., do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- All parties will be informed in writing within five (5) business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed by remand.
- In rare cases when a procedural error cannot be cured by the original Investigator(s) and/or Title IX Coordinators/Decision-maker (as in cases of bias), the Appeal Chair/Panel may recommend a new investigation and/or Administrative Resolution process, including a new Decision-maker.

- The results of a new Administrative Resolution process can be appealed once, on any of the three applicable grounds for appeals.
- In cases in which the appeal results in Respondent's reinstatement to CEI or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable.

12. Long-Term Remedies/Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented, the Title IX Coordinators may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Provision of transportation assistance
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinators, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinators will address any remedial requirements owed by CEI to the Respondent.

13. Failure to Complete Sanctions/Comply with Interim and Long-Term Remedies/Responsive Actions

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the Title IX Coordinators.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s) and responsive/corrective action(s), including suspension, expulsion, and/or termination from CEI and may be noted on a student's official transcript. Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.
A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinators.

14. Recordkeeping

In implementing this Policy, records of all allegations, investigations, resolutions, and hearings will be kept by the Title IX Coordinators in the Title IX complaint database indefinitely, or as required by state or federal law or institutional policy.

15. Statement of the Rights of the Parties (See Appendix C)

16. Disability Accommodation in the Resolution Process

CEI is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to CEI's Resolution Process. Anyone needing such accommodations or support should contact the Senior Coordinator of Student Accessibility Services (for student requests) or, Vice President of Human Resources (for employee requests), who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinators, determine which accommodations are appropriate and necessary for full participation in the process.

17. Revision

These policies and procedures will be reviewed and updated annually by the Title IX Coordinators. CEI reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.
The Title IX Coordinators may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinators may also vary procedures materially with notice (on CEI website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure.

Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred.

Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution unless all parties consent to be bound by the current policy.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

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

This Policy and procedure was implemented on August 1, 2020

APPENDIX G: TITLE IX POLICY STATEMENT

CEI adheres to all federal, state, and local civil rights laws prohibiting discrimination in employment and education. CEI does not discriminate in its admissions practices in its employment practices, or in its educational programs or activities on the basis of sex/gender.[59] As a recipient of federal financial assistance for education activities, CEI is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex/gender. Sex includes [sex, sex stereotypes, gender identity, gender expression, sexual orientation, and pregnancy or parenting status].

CEI also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process internally or externally to the institution. Sexual harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by CEI policy.

Any member of the institutional community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, or social access, opportunities and/or benefits of any member of the CEI community on the basis of sex is in violation of the Title IX Policy: **Error! Bookmark not defined.**

Any person may report sex discrimination (whether or not the person reporting is the person alleged to have experienced the conduct), in person, by mail, by telephone, by video, or by email, using the contact information listed for the Title IX Coordinator (below).

Questions regarding Title IX, including its application and/or concerns about noncompliance, should be directed to the Title IX Coordinators. For a complete copy of the policy or for more information, please contact the Title IX Coordinators.

Individuals who believe they have experienced sex discrimination, harassment, and/or retaliation in violation of CEI policy should contact the following:

- **Vice President of Human Resources**
  Building 1, Rm 125
  208-535-5303
  mary.taylor@cei.edu

- **Dean of Students**
  Building 3, Room 310C
  208-535-5451
  hailey.mack@cei.edu

A person may also file a complaint with the appropriate federal, state, or local agency within the time frame required by law. Depending upon the nature of the complaint, the appropriate agency may be the federal Equal Employment Opportunity Commission (EEOC), the U.S. Department of Education Office for Civil Rights (OCR) or the Department of Justice.

[59] Insert other protected characteristics/reporting resources if this statement will be used to more broadly address discrimination beyond Title IX.

Assistant Secretary for Civil Rights
Office for Civil Rights, National Headquarters
U.S. Department of Education
Lyndon Baines Johnson Dept. of Education Building

400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: 800-421-3481

Fax: 202-453-6012; TDD: 800-877-8339

Email: OCR@ed.gov

Within any Resolution Process related to this Policy, CEI provides reasonable accommodations to persons with disabilities and religious accommodations, when that accommodation is consistent with state and federal law.

Short/Blurb Format:

CEI does not discriminate in its employment practices or in its educational programs or activities based on sex/gender.[60] CEI also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process internally or externally. Reports of misconduct, questions regarding Title IX, and concerns about noncompliance should be directed to the Title IX Coordinators. For a complete copy of the policy or for more information, please contact the Title IX Coordinators or the Assistant Secretary of Education within the Office for Civil Rights (OCR).

[60] Insert other protected characteristics/reporting resources if this statement will be used to more broadly address discrimination beyond Title IX.

APPENDIX H: RECORD MAINTENANCE AND ACCESS POLICY

Policy Scope:

This policy covers records maintained in any medium that are created pursuant to CEI policy and/or the regular business of CEI's Title IX Office. All such records are considered private or confidential by the Title IX Office, in accordance with FERPA and the directive from the Department of Education to maintain the confidentiality of records related to Title IX. These records may be shared internally with those who have a legitimate educational interest and will be shared with the parties to a complaint under applicable state and/or federal law, including the Title IX regulations, FERPA, and/or the Clery Act/VAWA § 304. The Title IX Office controls the dissemination and sharing of any records under its control.

Types of Records Covered Under this Policy:

Records Pertaining to the Resolution Process. These records include, but are not limited to:

- Documentation of notice to the institution including incident reports
- Anonymous reports later linked to a specific incident involving known parties
- Any documentation supporting the initial assessment
- Investigation-related evidence (e.g., physical and documentary evidence collected and interview transcripts)
- Dismissal-related documentation
- Documentation related to the Resolution Process
- The final investigation reports
- Remedy-related documentation
- Supportive measures-related documentation
- Hearing recordings and records
- Appeal-related documentation
- Informal resolution records
- Notices of Outcome
- Records documenting that CEI's response was not deliberately indifferent
- Any other records typically maintained by CEI as part of the case file

Specific examples of records pertaining to the Resolution Process may include, but are not limited to: anonymous reports later identified; intake documentation; incident reports; the written complaint; the names of the Complainant, the Respondent; any witnesses; any relevant statements or other evidence obtained; interview notes or transcripts; timelines, flowcharts and other forms used in the investigation process; witness lists, correspondence, telephone logs, evidence logs and other documents related to the processing of an investigation; correspondence relating to the substance of the investigation; supportive measures implemented on behalf of the Complainant or Respondent; actions taken to restrict/remove the Respondent; correspondence

with the parties; medical, mental health, medical, and forensic record evidence obtained with consent during the course of the investigation; police reports; expert sources used in consideration of the evidence; documentation of outcome and rationale; correspondence and documentation of the appeals process; documentation of any sanctions/discipline resulting from the Resolution Process; and documentation of reported retaliatory behavior as well as all actions taken to address these reports.

Drafts and Working Files: Preliminary drafts and "working files" are not considered records that must be maintained by CEI, and these are typically destroyed during the course of an investigation or at its conclusion. They are preliminary versions of records and other documents that do not state a final position on the subject matter reviewed or are not considered to be in final form by their creator and/or the Title IX Coordinators. An example of a "working file" would be the investigator notes made during one interview with topics the investigator wants to revisit in subsequent interviews. Sole possession records maintained as such in accordance with FERPA are also included in this category. All drafts of investigation reports shared with the parties are maintained.

Attorney Work-Product: Communications from the Title IX Office or its designees with CEI's legal counsel may be work product protected by attorney-client privilege. These communications are not considered records to be maintained by the Title IX Office or accessible under this policy unless the Title IX Coordinators, in consultation with legal counsel as necessary, determines that these communications should be included as accessible records.

Record Storage:

Records may be created and maintained in different media formats; this policy applies to all records, irrespective of format. All records created pursuant to the Policy, as defined above, must be stored in the Maxient database. The complete file must be transferred to the Title IX Office within fourteen (14) business days of resolution of the complaint (including any appeal), if the file is not already maintained within the Title IX Office. Security protocols must be in place to preserve the integrity and privacy of any parts of any record that are maintained in the Title IX Office during the pendency of an investigation.

The Title IX Office will store all records created pursuant to the Policy, regardless of the identities of the parties. All records are stored in the CEI Maxient Database permanently.

A copy of records showing compliance with Clery Act requirements by Title IX personnel will be maintained along with the case file in the Title IX Office.

CEI will maintain an access log of each case file, showing when and by whom it was accessed, and for what purpose.

Record Retention:

All records created and maintained pursuant to the Policy must be retained indefinitely by the Title IX Office in the Maxient database unless destruction or expungement is authorized by the

Title IX Coordinators, who may act under their own discretion, or in accordance with a duly executed and binding settlement of claim, and/or by court or government order.

Record Access:

Access to records created pursuant to the Policy or housed in the Title IX Office is strictly limited to the Title IX Coordinators and any individual the coordinators authorize in writing, at their discretion. Records are generally not shared unless subpoenaed. Those who are granted broad access to the records of the Title IX Office are expected to only access records pertinent to their scope or work or specific assignment. Anyone who accesses such records without proper authorization may be subject to an investigation and possible discipline/sanction. The discipline/sanction for unauthorized access of records covered by this policy will be at the discretion of the appropriate disciplinary authority, consistent with other relevant CEI policies and procedures.

Student parties may request access to their case file. CEI will provide access or a copy within 45 days of the request. Appropriate redactions of personally identifiable information may be made before inspection, or any copy is shared.

During the investigation, materials may be shared with the parties using secure file transmission software. Any such file will be watermarked by the Title IX Office before being shared, with the watermark identifying the role of the recipient in the process (Complainant, Respondent, Hearing Decision-maker; Complainant's Advisor, etc.).

Record Security:

The Title IX Coordinators are expected to maintain appropriate security practices for all records, including password protection, lock and key, and other barriers to access as appropriate. Record security should include protection from floods, fire, and other potential emergencies. Clothing, forensic, and other physical evidence should be securely stored in the CEI Maxient database. All physical evidence will be maintained in a facility that is reasonably protected from floods and fires. A catalogue of all physical evidence will be retained with the case file.

Glossary of Title IX and VAWA Policy Terms

- ***Advisor*** means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the Resolution Process, to advise the party on that process, and to conduct questioning the party at the hearing, if any.
- ***Appeal Decision-maker*** means the person or panel who accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the investigation or original determination, and directs corrective action, accordingly.
- ***Complainant*** means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected characteristic, or retaliation for engaging in a protected activity.
- ***Confidential Resource*** means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- ***Day*** means a business day when CEI is in normal operation.

- ***Decision-maker*** means the person or panel who hears evidence, determines relevance, and makes the Final Determination of whether this Policy has been violated and/or assigns sanctions.
- ***Directly Related Evidence*** is evidence connected to the complaint, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the Decision-maker(s). Compare to Relevant Evidence, below.
- ***Education Program or Activity*** means locations, events, or circumstances where CEI exercises substantial control over both the Respondent and the context in which the harassment, discrimination, and/or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by the school.
- ***Final Determination*** is a conclusion by the standard of proof that the alleged conduct did or did not violate policy.
- ***Finding*** is a conclusion by the standard of proof that the conduct did or did not occur as alleged (as in a "finding of fact").
- ***Formal Complaint*** means a document submitted or signed by a Complainant or signed by the Title IX Coordinators alleging a Respondent engaged in harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity and requesting that CEI investigate the allegation(s).
- ***Formal Grievance Process*** means "Process A," a method of formal resolution designated by CEI to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 C.F.R. § 106.45) and the Violence Against Women Act § 304.
- ***Grievance Process Pool*** includes any Investigators, Hearing Decision-makers, Appeal Decision-makers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same complaint).
- ***Informal Resolution*** is a complaint resolution agreed to by the Parties and approved by the Title IX Coordinators that occurs prior to a formal Final Determination being reached.
- ***Investigator*** means the person(s) authorized by CEI to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report of Relevant Evidence and a file of Directly Related Evidence.
- ***Mandated Reporter*** means a CEI employee who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinators [61,62]
- ***Notice*** means that an employee, student, or third party informs the Title IX Coordinators or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- ***Official with Authority (OWA)*** means a CEI employee who has responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of CEI.
- ***Parties*** mean the Complainant(s) and Respondent(s), collectively.
- ***Process A*** means the Formal Grievance Process detailed below and defined above.
- ***Process B*** means the administrative resolution procedures detailed in Appendix F that only apply when Process A does not, as determined by the Title IX Coordinators.
- ***CEI*** means a postsecondary education program that is a recipient of federal funding.
- ***Relevant Evidence*** is evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.

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[61] Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

[62] The administrator designated to receive information from Mandated Reporters may vary depending upon the type of alleged discrimination, harassment, or retaliation (e.g., on the basis of sex, on the basis of race, on the basis of disability).

- ***Remedies*** are post-Final Determination actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to CEI's education program.
- ***Respondent*** means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected characteristic, or retaliation for engaging in a protected activity under this Policy.
- ***Resolution*** means the result of an Informal Resolution or Formal Grievance Process.
- ***Sanction*** means a consequence imposed on a Respondent who is found to have violated Policy.
- ***Sexual Harassment*** is an umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. See Section 17.B. for greater detail.
- ***Student*** means any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing educational relationship with CEI.
- ***Title IX Coordinator*** is at least one official designated by the CEI to ensure compliance with Title IX and the CEI's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the coordinator for specific tasks.
- ***Title IX Team*** refers to the Title IX Coordinator and any member of the Grievance Process Pool.

BASED ON THE ATIXA 2021 ONE POLICY, TWO PROCEDURES MODEL.

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Information Regarding Sex Offenders

Sex offenders are required to register with the state of Idaho in the jurisdiction in which they reside and at institutions of higher learning if they are students there or work there as employees. Information concerning registered sex offenders can be obtained from the Idaho Falls Police Department or at the following link: https://www.isp.idaho.gov/sor_id/SOR per Section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921). The CEI campus zip code is 83404.

External Reporting

If you are a student and filed a complaint with the Title IX Coordinator or a designee and believe the response was inadequate, or you otherwise believe you have been discriminated or retaliated against by CEI, you may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education:

Office for Civil Rights U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20212-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

If you are an employee, you may file a complaint with the Equal Employment Opportunity Commission (EEOC):

Equal Employment Opportunity Commission
Regional Seattle Field Office
Federal Office Building
909 First Avenue, Suite 400
Seattle, WA 98104-1061
Phone: 1-800-669-4000
Fax: 206-220-6911
TTY: 1-800-669-6820
ASL Video Phone: 844-234-5122
Contact: http://www.eeoc.gov/contact/

Arrests and Referrals for Weapons, Drug Abuse and Liquor Law Violations

CEI is required to disclose the number of people arrested and referred for disciplinary action for violations of weapons laws, (carrying or possessing, etc.), drug abuse or violation of liquor laws.

An arrest is defined as persons processed by arrest, citations, or summons.

Violation by students of alcohol or drug related violations will be reported to the Dean of Students for disciplinary action as well as referral to local or state authorities for possible criminal prosecution. A referral regarding student violations may be initiated in a formal or informal manner by CEI and does not have to originate with the police. Students should be aware that convictions of state or federal drug law while receiving financial aid can jeopardize future awards. Referral for disciplinary action is defined by three criteria:

- The official receiving the referral must initiate a disciplinary action,
- A record of the action must be established, and
- The action may, but does not have to, result in a sanction.

Liquor law violations: The violation of state or local ordinances prohibiting the manufacture, sale, purchase, transport, possession or use of alcoholic beverages, not including driving under the influence and drunkenness. Included in this classification would be the manufacture, sale, transport, furnishing or possessing of liquor as well as maintaining an unlawful drinking place, bootlegging, operating a still, furnishing alcohol to a minor or intemperate person, underage possession, using a vehicle for illegal transportation of liquor, drinking on a train or public conveyance and all attempts to commit any of the activities above.

Drug abuse violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. This includes unlawful cultivation, manufacture, distribution, sale, use, growing, transportation, or importation of any controlled drug or narcotic substance. It also includes arrest for violations of state and local laws specifically those relating to the unlawful possession,

distribution, sale, use, growing, manufacturing and the making of narcotic drugs. CEI will enforce all State and Federal drug laws.

Weapon law violations (carrying, possessing, etc.): The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapon offenses that are regulatory in nature. The following are classified as weapons violations: the manufacture, sale, or possession of deadly weapons, the carrying of deadly weapons, the using, manufacturing, etc. of silencers; the furnishing of deadly weapons to minors, aliens possessing deadly weapons; and attempts to commit any of the aforementioned. Policy 417 lists possible exemptions for the possession or carrying of a deadly weapon: https://www.cei.edu/policy/policy-417-weapons-campus

Substance Abuse Policy

Unlawful use, distribution or possession of illicit drugs or alcohol by students or employees on CEI property or at any CEI event is strictly prohibited. With the above standard as a guide, it is vital that all students, faculty, and staff remember that substance abuse is an ongoing problem. Therefore, it is our goal to:

- Reduce alcohol and drug related problems with education and by offering treatment
- Provide specific guidelines describing both college and legal sanctions as they apply to alcohol and illicit drugs
- Identify alternatives available to those who experience substance abuse problems

Per the Drug-Free Schools and College Act, CEI publishes an annual report regarding the policies for alcohol, drug and weapon violations. The report not only details the school's policies, but it also instructs staff and students where to find the information, possible sanctions for on-campus violations, state and federal statutes and penalties and the long- and short-term effects of drugs and alcohol. It also contains counseling, treatment, prevention, and education sources both on campus and in the community. Drug and alcohol abuse programs are available to students and employees and is required under Section 120 (a) through (d) of the HEA. This report is sent out to students and staff annually. The annual report can be found at: https://www.cei.edu/sites/default/files/2024-09/Drug%20Free%20Schools%202023%20updated%20SEP2024%20%284%29.pdf

Hierarchy Rule

When counting multiple offenses, CEI is required to use the FBI's UCR Hierarchy Rule. This rule states that when there is more than one criminal offense committed during a single incident, it is counted under the most serious offense. A single incident means that the offenses were committed at the same time and place. The hierarchy for reporting Clery Act crimes beginning with the most serious offenses is murder and non-negligent manslaughter, manslaughter by

negligence, sexual assault, robbery, aggravated assault, burglary and motor vehicle theft. The crimes of arson, domestic violence, dating violence, stalking, and arrests on referrals for drugs, liquor, or weapons law violations are not governed by the hierarchy rules, and statistics for these crimes are reported in these categories plus any other crime category covered under the rule if applicable.

Hazing Policy

According to Federal regulations, each Institution of Higher Education (IHE) must include in its annual security report (1) a statement of current policies relating to hazing, how to report hazing incidents and the process used to investigate and resolve hazing incidents and information on applicable laws on hazing; and (2) a statement of policy regarding prevention and awareness programs relating to hazing that includes a description of prevention programs.

Hazing is considered a Civil Rights Offense and defined as acts likely to cause physical or psychological harm or social ostracism to any person within the college community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity. It is prohibited per Policy 601. Policies 602 and 604 describe both the Title IX and hazing resolution and equity process.

https://www.cei.edu/policy/policy-601-title-ix-equal-opportunity-harassment-hazing-and-non-discrimination

https://www.cei.edu/policy/policy-602-title-ix-resolution-process

https://www.cei.edu/policy/policy-604-equity-resolution-process-erp

Annual Fire Report

CEI has no residential facilities and is not obligated to provide an annual fire report. There have been no fires in any campus, non-campus or outreach facility for the year 2025.

Once a year, CEI officials and the Campus Safety Department prepare a fire drill during either the Fall or Spring semester. There is an emergency evacuation procedure for each building, and they are posted in several places inside individual buildings. To report a fire, students, staff, and administration are instructed to call 911 and provide information as to which building the fire is in, the building number and room number. They are then instructed to help others exit and gather at the meeting place assigned for each building. They are also instructed to contact Security at 208-604-4597 for further assistance.