

**Statement of Non-Discrimination on the Basis of Sex in Education Programs or
Activities Policy (“Policy”)**¹

The College of Health Care Professions (“CHCP”) does not discriminate on the basis of sex in the education programs or activities that it operates. CHCP is aware that it is not to discriminate in such a manner as required by Title IX of the Education Act and the Regulations of the Department of Education (“Department”) (34 C.F.R. § 106, *et. seq.*). The requirement not to discriminate in any educational program or activity extends to CHCP’s admissions and placement processes.

Pursuant to this Policy and the related procedures, CHCP must respond to alleged incidents of sexual harassment occurring against a person in the United States, as defined below, with respect to any CHCP educational program or activity.

Inquiries about the application of the Department’s Title IX the Regulations may be referred to CHCP’s Title IX Coordinator or the Assistant Secretary of the Department, or both. CHCP’s Title IX Coordinator and contact information are:

Thoma Brewer, Corporate Training Director and Title IX/ADA 504 Coordinator
2550 North Loop West, Suite 300
Houston, Texas 77092
(832) 333-9041
tbrewer@chcp.edu

The Assistant Secretary of the Department of Education can be contacted at:

U.S. Department of Education
Assistant Secretary for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
1-800-421-3481
OCR@ed.gov

I. Definitions

- a. **Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following (See, 34 C.F.R. § 106, *et. seq.*):
 - 1. An employee of CHCP conditioning the provision of an aid, benefit, or service of CHCP on an individual’s participation in unwelcomed sexual conduct;

2. Unwelcomed conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to CHCP's education programs or activities; or
 3. As defined below, sexual assault, domestic violence, dating violence, or stalking.
- b. **Sexual Assault** means any nonconsensual sexual act proscribed by applicable Federal, tribal, or State law, including when the victim lacks capacity to consent.
- c. **Dating Violence** means violence committed by a person—
1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.
- d. **Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- e. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
1. Fear for his or her safety or the safety of others; or
 2. Suffer substantial emotional distress.
- f. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment, as defined above.
- g. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, as defined above.

- h. **Formal Complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that CHCP investigate the allegation of sexual harassment.
- i. **Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures are available to the claimant and Respondent regardless of whether the Complainant files a formal complaint.
- j. **Business Days** means Monday through Friday, except for federal or state holidays and any day in which CHCP is closed due to inclement weather, emergency, or scheduled breaks in the school's academic calendar.

II. Reporting/Making a Claim

Any individual, including a third party, may make a complaint about sexual harassment or sex discrimination. Complainants and third parties are encouraged to report sexual harassment as soon as possible to allow CHCP to respond promptly and effectively. **Complaints must be directed to the Title IX Coordinator.² Only the Title IX Coordinator has authority to issue corrective measures for an incident of sexual harassment or sex discrimination.** Students and employees should not expect any action to be taken with respect to any complaint made pursuant to this policy if it is made to any person other than the Title IX Coordinator. The Title IX Coordinator is:

Thoma Brewer, Corporate Training Director
and Title IX/ADA 504 Coordinator
2550 North Loop West, Suite 300
Houston, Texas 77092
(832) 333-9041
tbrewer@chcp.edu

² The Title IX Coordinator can designate another qualified person, and, in those instances, complaints made to the Title IX Coordinator's designee are effective as if made to the Title IX Coordinator.

A person who has experienced sexual harassment, as defined in Section II, above, or a person who witnesses sexual harassment, has the right to simultaneously file a complaint with CHCP and to pursue a criminal complaint with law enforcement. Complainants and witnesses of sexual harassment have the right to be assisted by CHCP in notifying law enforcement authorities of sexual harassment or they can decline to notify such authorities. CHCP may, however, have a statutory reporting obligation when it becomes aware of certain factual allegations. Parties may also have options to file civil actions in court or with administrative agencies. CHCP has designated the Title IX Coordinator or his/her designee to oversee the intake of complaints of sexual harassment at CHCP. An individual who has experienced sexual misconduct has the right to choose whether to report the incident to CHCP's Title IX Coordinator or his/her designee for investigation. The Title IX Coordinator or his/her designee is trained to assist individuals who report sexual misconduct and has knowledge about resources and services available to students and employees, both on and off campus, including the availability of supportive measures.

Please Note: The Title IX Coordinator is not a confidential source of support. While the Title IX Coordinator will address your complaint with sensitivity and will keep your information as private as possible, confidentiality cannot be guaranteed. The Title IX Coordinator will treat as confidential all information related to the provision of supportive measures, to the extent that such confidentiality does not interfere with CHCP's ability to provide the supportive measures.

Please Also Note: Making a **report** is different from filing a **formal complaint**. A report is defined as notification of an incident of sexual misconduct to the Title IX Coordinator. A report may be accompanied by a request for (1) supportive or interim measures; (2) no further action; (3) the initiation of the formal complaint process; and/or (4) a request to initiate an informal resolution process. Informal resolution can only occur after a formal complaint is filed. Filing a formal complaint initiates CHCP's formal Title IX grievance process.

How to Make a Report:

Any student or employee may report an instance of sexual harassment even if they are not the victim. If a student or employee intends to report an instance of sexual harassment, any relevant information should be submitted to the Title IX Coordinator.

The Title IX Coordinator will try to accommodate Complainant's wishes whether to file a formal complaint. However, if the Title IX Coordinator determines that an investigation into the allegations is necessary for the safety of the community or other reasons, the Title IX Coordinator may sign the formal complaint to initiate the grievance process notwithstanding the Complainant's decision not to pursue a formal complaint.

How to File A Formal Complaint:

To file a formal complaint, the Complainant must submit, in writing, allegations of sexual harassment against a Respondent and must request that CHCP investigate the allegation of sexual harassment. Only the Complainant or Title IX Coordinator may file a formal complaint.

Any person wishing to make formal complaint must submit it to the Title IX Coordinator in person, by mail, or by email at:

Thoma Brewer, Corporate Training Director
and Title IX/ADA 504 Coordinator
2550 North Loop West, Suite 300
Houston, Texas 77092
(832) 333-9041
tbrewer@chcp.edu

Students or employees intending to report an incident of sexual harassment should contact the Title IX Coordinator to make a Report.

III. CHCP's Response to Actual Knowledge of Sexual Harassment

Upon receiving notice or allegations of sexual harassment in an educational program or activity, the Title IX Coordinator will promptly respond to the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to the supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain the process for filing a formal complaint.

CHCP will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair CHCP's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating an effective implementation of supportive measures

In consultation with others as necessary, the Title IX Coordinator will conduct an initial assessment of the conduct, the reporting party's desired course of action, and the need for any supportive or interim measures to protect the safety of the Complainant or the community. The goal is to prevent the development of a hostile educational or workplace environment. If a report made to the Title IX Coordinator involves a serious, credible, or immediate threat to the campus community, CHCP will issue a timely notification in furtherance of protecting the health or safety of the community. The timely notification will not include any identifying information about the Complainant.

If a Complainant chooses to pursue a Formal Complaint, CHCP must follow the grievance process outlined below, unless the Title IX Coordinator determines after a preliminary inquiry that the alleged conduct, even if proven, would not rise to the level of conduct prohibited by this policy. For example, conduct that did not occur in one of CHCP's education programs or activities, or conduct that does not meet this policy's definition of sexual harassment, would not warrant initiating CHCP's grievance process. For the purposes of the Title IX Coordinator's determination under this section (Section III), the scope of CHCP's education programs or activities includes locations, events, or circumstances over which CHCP exercises substantial control over both the Respondent and the context in which the sexual harassment occurs. It shall include any building owned or controlled by a student organization that is officially recognized by CHCP. If the Title IX Coordinator makes such a determination, the formal complaint will be

dismissed, and the Complainant will be provided written notification of that decision including the essential reasons for the dismissal. A determination that the alleged conduct does not warrant initiating CHCP's grievance process does not preclude CHCP from taking action under another provision of its code of conduct, if any.

If the Complainant or Respondent is employed by CHCP or one of its affiliates, the Title IX Coordinator will notify the CHCP's Human Resources department which assists in overseeing CHCP's compliance with Title VII of the Civil Rights Act of 1964.

IV. Interim Measures

The Title IX Coordinator may remove a Respondent from educational programs or activities if it is determined an immediate threat to the physical health or safety of any student or other individual exists due to allegations of sexual harassment.

If the Title IX Coordinator determines that an allegation of sexual harassment justifies removal, the Respondent will receive with notice of the removal to the Respondent's CHCP email address and the Respondent must immediately leave all campus activities and may not return at any time pending the resolution of the complaint. Within three (3) Business Days after the Title IX Coordinator sends such notice, Respondent may challenge the removal decision by submitting a written explanation of why the sexual harassment allegations do not justify removal. The Title IX Coordinator will notify the Respondent within three (3) Business Days thereafter about whether the challenge is successful and/or whether any alternative interim measures are warranted. A Respondent who has been removed from CHCP's programs or activities as an interim measure may not attend any CHCP activity or program while their challenge to the removal is pending.

The Title IX Coordinator may also place a non-student employee Respondent on administrative leave during the pendency of a grievance process.

V. Informal Resolution

Once a Formal Complaint is filed and as an alternative to completing the formal CHCP Title IX grievance process, the Complainant and Respondent may agree to resolve the matter through an informal resolution process, such as mediation which may not involve a full investigation and adjudication. An informal resolution is not available to resolve allegations that a CHCP employee sexually harassed a student.

Participation in an informal resolution process is entirely voluntary. It requires written consent from all involved parties, including CHCP. CHCP will not require a Complainant or Respondent to participate in informal resolution. However, once the parties and CHCP agree to an informal resolution, CHCP will suspend its obligation to pursue the grievance process except to the extent necessary to facilitate the informal resolution process as agreed to by the parties and CHCP.

At any time prior to the parties reaching an agreement on the informal resolution of the allegations, any party may withdraw from the informal resolution process and initiate or resume the CHCP grievance process.

If the parties and CHCP agree to an informal resolution process, the Title IX Coordinator will provide the parties with a written notice disclosing (1) the allegations; (2) the requirements and procedures of the informal resolution process; (3) the circumstances under which the parties will be precluded from resuming a formal complaint arising from the same allegations; (4) notice that, at any time prior to an agreed resolution of the allegations, any party has the right to withdraw from the informal resolution process and initiate or resume the CHCP grievance process; and (5) the records that will be maintained or could be shared during and after the informal resolution process.

The Title IX Coordinator will close and dismiss the Complaint in the event an informal resolution of the complaint through the informal resolution process is reached.

VI. Retaliation

No one is permitted to intimidate, threaten, coerce, discriminate, or retaliate against any individual for the purpose of interfering with any right or privilege secured by Title IX or the Department's Regulations (34 C.F.R. § 106, et. seq.), or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any aspect of CHCP's grievance process.

Complaints alleging retaliation may be submitted to the Title IX Coordinator in the same manner as a report of sexual harassment. If the allegations of retaliation are against the Title IX Coordinator or the designee, the complaint should be directed to Bill Kohlhoff, Senior Vice President of Accreditation and Chief Compliance Officer, 2550 North Loop West, Suite 300, Houston, Texas 77902, bkohlhoff@chcp.edu.

VII. Confidentiality

CHCP understands that those involved in the sexual harassment reporting and grievance process, including the parties, witnesses, and individuals making reports or complaints of sex harassment, have privacy rights, including rights governed under the Family Education Rights and Privacy Act ("FERPA"). CHCP will not disclose information relating to the reporting of sexual harassment and the grievance process unless it pursuant to a lawful purpose, such as instances in which:

1. Information is necessary to give fair notice of the allegations and to conduct the investigation, hearing, and appeal;
2. Other CHCP officials have a need to know of the information in performing CHCP business;
3. CHCP determines the information should be shared with law enforcement;
4. Sharing information will reduce the risk of an immediate threat to the health and safety of others;

5. Sharing information is necessary for CHCP to comply with requests from government agencies and accreditors who review CHCP's compliance with federal law, state law, and accreditation requirements;
6. It is necessary to respond to a lawfully issued subpoena or legal request for information;
7. Disclosure of the information is otherwise permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99.

8. Conflicts of Interest

No investigator or hearing decision-maker will make findings or determinations in a case in which they have a conflict of interest or bias. A party wishing to raise the issue of a potential conflict of interest or bias must notify the Title IX Coordinator of the alleged bias or conflict of interest within two (2) Business Days of being advised of the identity of the investigator or decision-maker. The Title IX Coordinator will determine whether a conflict of interest exists. If a party believes that the Title IX Coordinator has a bias or conflict of interest, the party must notify Bill Kohlhoff, Senior Vice President of Accreditation and Chief Compliance Officer, 2550 North Loop West, Suite 300, Houston, Texas 77902, bkohlhoff@chcp.edu, who will make the determination of whether a conflict of interest or bias exists.

9. Grievance Process

Once the Title IX Coordinator determines that allegations in a formal complaint could, if proven, constitute sexual harassment, CHCP will initiate its Title IX grievance process. The Title IX grievance process is designed to fairly investigate allegations of sexual harassment, determine responsibility for any alleged violations, and provide remedies designed to restore or preserve equal access to CHCP's education programs and activities.

CHCP's Title IX grievance process will:

1. Treat Complainants and Respondents equitably;
2. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness;
3. Presume that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

a. Timeline for Resolution

CHCP will resolve all cases in a prompt and timely manner. However, each situation is different and the timeline may vary due to numerous circumstances including, but not limited to, scheduled and unscheduled breaks in the academic calendar, availability of the parties and witnesses, scope of the investigation, need for interim actions, and unforeseen or exigent circumstances. The parties will receive periodic updates on the status of their case.

Stated timing requirements in this policy will be strictly enforced. Requests for extensions are disfavored and will not be granted absent a showing of extraordinary circumstances. However, if a party believes circumstances require an extension of deadlines, the party must notify the Title IX Coordinator in writing before the deadline passes explaining why the deadline must be extended. The Title IX Coordinator determines will decide whether the deadline should be extended. If so, the deadline will be extended for all parties involved.

b. Responsibility to Check Email

CHCP intends to transmit important information to the parties' CHCP email accounts during the Title IX grievance process. Each party is responsible for frequently checking their CHCP email account. Important deadlines are often included in such transmissions and a party's failure to check their email is not a valid excuse for missing a deadline.

If a party is unable to access their CHCP email account, they must immediately notify the Title IX Coordinator to arrange for an alternate method of receiving such information. Unless and until the Title IX Coordinator receives such notice, a party will be deemed to have received all emails and relating attachments on the day they were transmitted.

c. Standard of Proof

CHCP uses the preponderance of evidence standard when investigating complaints of sexual harassment. This means that the investigation and hearing determine whether it is more likely than not that a violation of the policy occurred.

d. Role of Advisors

All parties may have an advisor of their choice to accompany them through the grievance process. An advisor may be, but is not required to be, an attorney. A party may have his or her advisor present at any meeting, interview, or other appearance to which the party is entitled to attend.

Advisors are expected refrain from interfering in the investigation and the resolution of a formal complaint. They are required to act ethically, with integrity, and in good faith throughout the grievance process. If the Title IX Coordinator, an investigator, hearing decision-maker, or other campus official determines that an advisor is acting in a manner intended to improperly disrupt or interfere with the grievance process, the advisor will receive a verbal warning. Any subsequent attempt to disrupt or interfere with the grievance process will result in the advisor's immediate removal from the proceeding. He or she will be barred from participating in the Title IX grievance process any further. Unless the Title IX Coordinator, investigator, decision-maker, or other campus official determines that an advisor's misconduct is part of a party's deliberate attempt to disrupt or delay the grievance process, the proceedings will be suspended to allow the subject party to replace the advisor.

Each party must have an advisor present at the hearing. As discussed in the Hearing Procedures, below, only advisors may ask a party or witness questions at a hearing. Only in advance of the hearing may a party request that CHCP provide him or her with an advisor of

CHCP's choosing. Absent a showing of bias or a conflict of interest, a party has no right to object to an advisor provided by CHCP.

e. Consolidation of Formal Complaints

CHCP may consolidate formal complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. In instances in which the CHCP grievance process involves more than one Complainant or more than one Respondent, references in this policy to "party," "Complainant," or Respondent" include the plural, as applicable.

f. Notice of Formal Complaint

Once a Title IX Coordinator determines that a formal complaint alleges a potential violation of this policy, the parties will receive notice that a formal complaint has been filed and that CHCP has initiated its grievance process. The notice will:

1. Identify the parties involved in the incident, if known;
2. Identify the conduct allegedly constituting sexual harassment, as defined in this policy, if known;
3. Identify the date and location of the incident, if known;
4. Provide a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
5. Provide an explanation of the participant's right to have an advisor present throughout the grievance process; and
6. Provide an explanation of the prohibition against knowingly making false statements or knowingly submitting false information during the grievance process.

g. Investigation

After notifying the parties of the formal complaint and the initiation of the grievance process, CHCP will appoint one or more trained investigators to interview the parties and gather evidence, as necessary. Investigators will have received training on the following:

1. How sexual harassment is defined under this policy;
2. The scope of CHCP's educational programs and activities;
3. How to conduct an investigation in a manner consistent with this policy;
4. How to serve impartially, including avoiding prejudgment of the facts at issue, and identifying and avoiding conflicts of interest and bias;
5. The need to create an investigative report that fairly summarizes the relevant evidence.

During the investigation, the parties will have an equal opportunity to present witnesses, including expert witnesses, and other inculpatory and exculpatory evidence.

When a party's participation in the investigation is invited or expected, CHCP or the investigator will provide written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings. The written notice will be given at least three (3) Business Days in advance of the party's expected participation. Pursuant to the limits on the role of advisors discussed above, each party will be entitled to have an advisor of their choosing present at any meeting or interview to which the party is invited or expected to attend.

Neither the investigator nor CHCP may access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to that party, unless CHCP or the investigator obtains that party's voluntary, written consent to do so. If a party is under 18 years old, written consent must be given by the party's parent or guardian.

CHCP or the investigator may modify the list of allegations based on additional information learned during investigation. In that event, the parties will receive prior notice of the new allegations prior to any investigation of the new allegations.

Prior to the conclusion of the investigation, CHCP will provide the parties and their advisors the opportunity to inspect and review any evidence obtained during the investigation that is directly related to the allegations in the formal complaint. The parties will have ten (10) Business Days from that date to submit a written response to the Title IX Coordinator which the investigator will consider prior to completing his or her investigative report.

At the conclusion of the investigation, the investigator will prepare an investigative report that fairly summarizes relevant evidence. The report will be simultaneously provided to all parties and their advisors at least ten (10) Business Days prior to the hearing, if a hearing is required. The parties may submit a written response to the investigative report for consideration by the hearing decision-maker. However, a response to the investigative report must be received by the Title IX Coordinator no later than five (5) Business Days before the hearing. Responses received after that deadline will not be considered by the hearing decision-maker. The Title IX Coordinator will simultaneously provide all submitted written responses to the parties at least three (3) Business Days before the hearing.

h. Dismissal of a Formal Complaint

If at any time during the investigation, CHCP determines that any conduct alleged in the formal complaint (1) would not constitute sexual harassment, as defined in this policy, even if proved, (2) did not occur during a CHCP educational program or activity, or (3) did not occur in the United States, CHCP must dismiss the formal complaint with regard to that conduct. If other conduct has been alleged in the formal complaint.

CHCP may also dismiss a formal complaint, or any allegations in a formal complaint, if at any time during the investigation or hearing (1) the Complainant notifies the Title IX Coordinator in writing that the Complainant wants to withdraw the formal complaint or any

allegations in the formal complaint; (2) the Respondent is no longer enrolled at, or employed by, CHCP; or (3) specific circumstances prevents CHCP or the investigator from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If CHCP dismisses a formal complaint, or any allegations in a formal complaint, it will promptly simultaneously send written notice of the dismissal and the reasons for the dismissal to the parties.

i. Hearing

Decision-Maker:

CHCP's grievance process provides for a live hearing after the investigation is concluded and the parties have an opportunity to review the investigative report. The hearing will be conducted by a decision-maker, trained on the following:

1. The definition of sexual harassment under this policy;
2. The scope of CHCP's educational programs and activities;
3. Conducting live hearings pursuant to this policy;
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
5. Issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant; and
6. Any technology to be used at the live hearing.

CHCP will be responsible for appointing the decision-maker for the hearing, who may or may not be an employee of CHCP. The decision-maker will be free of any conflicts of interest, pursuant to the conflict of interest requirements of this policy. The identity of the decision-maker will be provided to the parties at least ten (10) Business Days prior to the hearing. If any party believes that the decision-maker is biased or subject to a conflict of interest, written objection must be submitted to the Title IX Coordinator within two (2) Business Days of the decision-maker having been identified including the specific basis for the objection. If the Title IX Coordinator determines that the decision-maker is biased or subject to a conflict of interest that justifies removal of the decision-maker, the Title IX Coordinator will name a new decision-maker. In that event, the hearing may be rescheduled to allow for a reasonable time to ensure proper training and an opportunity for the parties to object to the new decision-maker on the grounds of bias or conflict of interest, pursuant to the requirements above.

Time and Location:

Unless impractical under the circumstances, the hearing will be conducted at a location within ten (10) miles of the relevant CHCP campus. The Title IX Coordinator will notify the parties as to the time and location of the hearing at least ten (10) Business Days prior to the hearing. Parties and their advisors are expected to adjust their schedules to attend the hearing. Hearings will not be rescheduled absent emergencies or extraordinary circumstances.

Either party may request that the hearing be conducted with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear a party or a witness answering questions within two (2) Business Days of the hearing.

CHCP may also, at its discretion, allow any or all parties, witnesses, or other participants appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other.

Hearing Procedure:

Each party must have his or her own advisor present at the hearing. The role of the advisor is to ask relevant questions of the other party and other witnesses as described below. Advisors may counsel the party they represent during the hearing, however, advisors may not make opening or closing statements on behalf their represented party or raise or make objections on the record. Failure to comply with these requirements may be deemed by the hearing officer as interference with the orderly conduct of the hearing and may subject the advisor to removal. If a party does not have an advisor present at the hearing, CHCP will provide an advisor of CHCP's choosing at no cost to the party.

Each party will have the opportunity to have his or her advisor to cross-examine other party and any witnesses by asking relevant questions and follow-up questions, including questions challenging credibility. Only the parties' advisors may ask questions of testifying witnesses, and the questioning must be conducted orally, and in real time. The decision-maker will preside over the hearing, and he or she will determine the order of witnesses.

Before a party or witness answers a question, the decision-maker must determine whether the question is relevant and explain any decision to exclude the question on relevance. Advisors may not present arguments in favor or against the exclusion of any proposed question. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence 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.

If Respondent intends to introduce evidence of the Complainant's past sexual behavior, Respondent must provide notice to the Title IX Coordinator and the decision-maker at least five (5) Business Days in advance of the hearing along with a written motion specifically describing the evidence and stated purpose for which it is to be offered. The Title IX Coordinator will provide a copy of the notice and motion to the Complainant. Before admitting evidence under this rule, the decision-maker must conduct an in-camera hearing on the motion and give the parties a right to attend and be heard, through their advisors. The motion, related materials, and the record of the motion hearing must be and will remain confidential.

All evidence provided to the parties prior the completion of the investigative report will be available at the hearing. Each party may refer to such evidence during the hearing, including for purposes of asking questions to other parties or witnesses.

The decision-maker will recognize all legally recognized privileges, such as the attorney-client and work-product privilege, unless the holder of the privilege has waived the privilege. It is the responsibility of a party's advisor to invoke any privileges at the hearing. Failure to timely invoke a privilege will constitute a waiver.

If a party or witness does not submit to questions at the hearing, the decision-maker must not rely on any prior statement of that party or witness in reaching a determination about responsibility. The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions.

Live hearings will be recorded with an audio recording, audiovisual recording, or by transcript. The recording or transcript of any such hearing will be made available to all parties for inspection and review.

Determining Responsibility:

The decision-maker will issue a written determination regarding responsibility following the hearing. The decision-maker will base their determination on a review of the relevant and admissible evidence obtained during the investigation or hearing, the investigative report, and hearing testimony. The written determination will be sent to each party's CHCP email account. Important appeal deadlines will be based on when the written determination is sent by CHCP, so the parties are strongly encouraged to carefully monitor their email correspondence for the determination.

The decision-maker will apply the preponderance of the evidence standard in reaching a determination. The written determination will:

1. Identify the allegations potentially constituting sexual harassment as defined in this policy;
2. Describe the procedural steps taken from receipt of the formal complaint by CHCP through the date a determination is made;
3. Provide a findings of fact in support of the determination;
4. Identify the conclusions regarding the application of the recipient's code of conduct to the facts;
5. Provide a statement of and rationale for the result as to each allegation, including a determination regarding responsibility, and disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to CHCP's educational programs or activities will be provided by CHCP to the Complainant; and
6. Identify the procedures and permissible bases for the Complainant and Respondent to appeal.

The written determination will be simultaneously provided to the parties' CHCP email accounts. The parties will have seven (7) Business Days from the date the written determination is emailed to notify the Title IX Coordinator whether they intend to appeal the determination

regarding responsibility (see Appeal, below). The determination regarding responsibility becomes final either (1) seven (7) Business Days after issuance of the written determination regarding responsibility, if no appeal is filed, or (2) if an appeal is filed, on the date CHCP provides a written determination on the results of an appeal.

Sanctions for Violations of this Policy

Sanctions for violations of this policy will vary based on the facts and circumstances of each case. In determining appropriate sanctions, the decision-maker may consider factors such as the Respondent's prior history of sexual harassment or misconduct, the severity of the conduct, the frequency of the conduct, and the overall effect the incident has had on the school community.

For students, sanctions can range from a warning up to an expulsion. For Employees, sanctions can range from a warning to termination.

j. Appeal

Both the Complainant and the recipient may appeal the determination regarding responsibility, the dismissal of any allegation(s) in a formal complaint, and/or the sanctions imposed. All appeals will be decided by an appeal hearing official who shall be selected for that purpose. Once the appeal hearing official issues a written determination on the results of the appeal, all matters are considered final and no further appeals will be considered.

If a party wishes to appeal, he or she must send a notice of his or her intent to appeal, by email, to the Title IX Coordinator within seven (7) Business Days after CHCP sends the determination to the parties' CHCP email accounts. Failure to submit a notice of appeal within the seven-day deadline will result in a loss of the right to appeal the written determination. The notice of intent to appeal must state the specific ground(s) for the appeal.

An appeal is not intended to be a rehearing of the allegations in the formal complaint. Disagreement with the findings or sanctions are not valid grounds for an appeal. CHCP will only consider an appeal on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could reasonably affect the outcome of the matter;
3. The Title IX Coordinator, investigator(s), or decision-maker had an undisclosed conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

An appeal will not be considered if the notice of intent to appeal does not reference one or more of these grounds for appeal.

A timely appeal will stay the imposition of sanctions. Any interim measures imposed before or during the grievance process will remain in effect pending the resolution of the appeal.

Once the Title IX Coordinator receives a valid notice of intent to appeal, the Title IX Coordinator will notify all parties of the appeal, the ground(s) on which the appeal is sought, and the procedures for the appeal. Once the parties receive notice of the appeal from the Title IX Coordinator, the parties will have seven (7) Business Days to submit a written statement and any new evidence to the appeal hearing official in support or, or challenging, the outcome. Any party who does not timely submit his or her written statement or new evidence will be barred from doing so absent a showing of exceptional circumstances. It will be in the sole discretion of the appeal hearing official whether to allow any extensions in the time to submit a written statement or new evidence.

The appeal hearing official will review the timely submitted written statements, any new evidence and the record as appropriate. Only facts or arguments concerning the above-listed grounds for an appeal will be considered by the appeal hearing official in rendering a decision. Once the appeal hearing official reaches a decision, the appeal hearing official will issue simultaneously send written decision to each party's CHCP email account, describing the result of the appeal and the rationale for the result.

Once the appeal hearing official issues a decision to the parties, all matters will be final. No further appeals will be considered.