



TITLE IX GRIEVANCE PROCESS

Northland College (“Northland” or the “College”) takes any complaint of gender-based misconduct very seriously. The College will act on any complaint of a violation of its Gender-Based Misconduct Policy (the “Policy”) that it receives.

The procedures described below apply to all allegations of gender-based misconduct involving a student Complainant or Respondent. These procedures may also be used to address collateral misconduct occurring in conjunction with an alleged violation of the Policy.

Overview

Upon receiving a complaint of gender-based misconduct, the College will conduct a preliminary inquiry to determine whether to commence a formal investigation, and, if appropriate, conduct a threat assessment. The investigation and the subsequent resolution process determines whether the policy has been violated and what, if any, remedies will be implemented to end the misconduct, prevent its recurrence, and address its effects.

Definitions

1. **Complainant** – Complainant refers to the alleged victim of gender-based misconduct under the Policy.
2. **Respondent** – Respondent refers to the student, student organization, or employee alleged to have violated the Policy.
3. **Parties** – The Complainant and the Respondent are collectively referred to as the Parties.
4. **Gatekeepers** – Trained administrators and/or faculty who conduct the preliminary inquiry and, following the inquiry, make a determination regarding whether there is reasonable cause to believe a Policy violation has occurred. The Gatekeepers are also responsible for determining whether to implement interim remedies.
5. **Investigator** – A trained administrator (distinct from the Gatekeeper), faculty member, or external third party who conducts the formal investigation, makes a determination regarding whether a violation of the Policy has occurred, and if so what sanctions and/or remedial actions to implement.
6. **Appeal Officer** – A trained administrator (distinct from the Gatekeeper or Investigator) responsible for resolving all appeals.
7. **Hearing Panel** – A panel comprised of six trained faculty and/or staff members (distinct from the Gatekeepers or Investigator) responsible for conducting an appeal hearing whether the Investigator has made a finding that a student Respondent violated the Policy and has recommended sanctions which include suspension or expulsion.

Threat Assessment and Preliminary Inquiry

Following the College’s receipt of a complaint alleging gender-based misconduct involving a student Complainant or Respondent, the Gatekeepers will:

- Engage in a threat assessment (as described below) and provide for interim measures, if appropriate
- Engage in a preliminary inquiry to determine if there is reasonable cause to believe the Policy has been violated; and

Threat Assessment

As part of their threat assessment, the Gatekeepers will review the complaint and any other relevant information to assess the threat posed by the reported conduct to the health and safety of the complainant and/or the College community and determine whether external reports and/or interim measures are required. Among the information the Gatekeepers may consider as part of their threat assessment is the following:

- The nature of the allegations in the complaint, including whether the allegations suggest physical violence, a pattern of misconduct, gender-based misconduct facilitated through the provision of drugs or alcohol, and/or gender-based misconduct against an unconscious or physically helpless individual
- The Respondent's prior record related to gender-based misconduct and/or violent behavior;
- The Respondent's history, if any, of failing to comply with College protective measures and/or any judicial protective order;
- Whether the reported misconduct involved multiple respondents;
- Whether the reported misconduct involved a minor;
- Any indications that the report was made in bad faith;
- Any other aggravating circumstances or signs of predatory behavior; and
- Applicable law, policy, and procedure.

Upon completion of the threat assessment, the Gatekeepers will make any mandated reports as required under applicable law (e.g., the Clery Act, the Violence Against Women Act). If any external report is made, the Gatekeeper will promptly notify the reporting party.

Preliminary Inquiry

The purpose of the preliminary inquiry is to gather enough information to make a threshold decision regarding whether the College should initiate a formal investigation. During the preliminary inquiry, the Gatekeepers will review the complaint and may conduct preliminary interviews of the Complainant(s) and Respondent(s).

Both Gatekeepers must jointly decide not to pursue a formal investigation. A decision not to pursue a formal investigation may be appropriate when: (1) the complaint and information provided by the Parties are insufficient to initiate an investigation, (2) the Complainant has requested no action and the Gatekeepers conclude that this request may be honored, (3) the complaint and information provided by the

Parties do not allege conduct that violates the Policy¹, or (4) the complaint and information provided by the Parties involve only matters for which the College does not have jurisdiction.

The Complainant and the Respondent will be informed in writing of the decision not to pursue a formal investigation under this procedure, and whether the matter will be referred for further action under another College procedure. Upon such written notification, the Title IX Grievance Process will end unless the Complainant requests that the Gatekeepers make an extraordinary determination to re-open the matter. Such a determination may be appropriate where the Complainant identifies new evidence or information not previously available. The decision to re-open the matter lies in the sole discretion of the Gatekeepers. If one of the two Gatekeepers determines that matter should be reopened, the Gatekeepers will reopen the preliminary inquiry and consider any new (not previously available) information or considerations.

If, during the preliminary inquiry, one or both of the Gatekeepers determines that: (1) the College has jurisdiction, (2) the complaint and information provided by the Parties describes a possible violation of the Policy, and (3) the College cannot honor any existing request for confidentiality, the matter will be referred to an Investigator who will commence a formal investigation.

The preliminary inquiry shall be conducted promptly, typically within ten (10) business days of receiving the complaint, though some inquiries may take longer depending on numerous factors, including the nature, extent, and complexity of the allegations and the availability of the Parties for preliminary interviews.

Interim Remedies/Actions

During the grievance process, and prior to making a determination whether the alleged violation has occurred, the Gatekeepers (or designee) may provide interim remedies including, but not limited to:

- Referral to counseling, medical, or mental health services;
- Referral to the Employee Assistance Program;
- Education to the campus community;
- Providing campus escorts;
- Implementing contact limitations between the Parties; and
- Offering adjustments to academic deadlines, course schedules, etc.

In addition, Northland may temporarily suspend a student, student organization, or employee pending the completion of an investigation, particularly when in the judgment of at least one of the Gatekeepers (and in consultation with the Investigators where a formal investigation has commenced), the safety or well-being of any member(s) of the campus community may be jeopardized by the on-campus presence of the Respondent, or the ongoing activity of a student organization whose behavior is in question. In all cases in which a temporary suspension is imposed, the student, student organization, or employee will be given the option to meet with the Gatekeepers prior to the imposition of the suspension, or as soon thereafter as reasonably possible, to show cause why a temporary suspension should not be implemented. The Gatekeepers (or designee) have sole discretion to implement a temporary suspension and to determine its

¹ To the extent the complaint does not allege violations of the Gender-Based Misconduct Policy, but alleges violations of some other College Policy, the matter will be referred for further action under the appropriate procedure.

conditions and duration. Both Gatekeepers must agree to stay any such temporary suspension. Violation of a temporary suspension under this policy will be grounds for expulsion or termination.

During a temporary suspension, a Respondent may be denied access to Northland's campus, facilities, and events. As determined by the Gatekeepers (or designee), this restriction can include classes and other Northland activities or privileges for which the Respondent might otherwise be eligible. At the discretion of the Gatekeepers (or designee), alternative coursework options may be pursued to ensure as minimal an impact as possible on a Respondent student.

Advisors

Once a preliminary inquiry has commenced, the Gatekeepers will provide written notification to the Complainant and Respondent that they may have the assistance of an Advisor of their choosing present at each meeting they attend. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity, and in good faith.

The Parties may select whomever they wish to serve as their Advisor as long as he or she is available and not otherwise involved in the resolution process. Northland cannot guarantee equality in the type or effectiveness of an Advisor. For example, one Party may or may not be able to afford an attorney. The decision to enlist an Advisor is entirely that of a Party. Northland is not obligated to, nor will it, provide an Advisor.

Advisors may not address College officials (or designees) in a meeting, hearing, or interview, unless invited to do so. The Advisor may not make a presentation or represent their advisee during any meeting or proceeding, and may not speak on behalf of the advisee to the Gatekeepers, Investigator, Appeal Officer, or Hearing Panel. The Parties are expected to ask and respond to questions on their own behalf. Advisors may confer quietly with their advisees, or in writing as necessary, as long as they do not disrupt the process.

Advisors are expected to refrain from interference with the investigation and resolution. Any Advisor who steps out of their role will be warned only once. If an Advisor continues to disrupt or otherwise fails to respect the limits of his or her role, the Advisor will be asked to leave the meeting. When an Advisor is removed from a meeting, that meeting will typically continue without the Advisor present. Subsequently, the Title IX Administrator will determine whether the Advisor may be reinstated, replaced, or whether the Party will forfeit the right to an Advisor for the remainder of the process.

Northland expects an Advisor to adjust his or her schedule to allow for attendance at meetings. Due to the need to promptly conduct investigations and inquiries, Northland does not typically change scheduled meetings, interviews, or hearings to accommodate an Advisor's inability to attend. Northland will, however, make reasonable provisions to allow an Advisor who cannot attend in person to attend by telephone, video, and/or virtual meeting technologies as may be convenient and available.

The Parties must advise the Gatekeepers and, in the event of a formal investigation, the Investigator, of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Gatekeepers or Investigator (or as soon as possible if a more expeditious meeting is necessary or desired). The Parties must provide notice to the Gatekeepers, and, in the event of a formal investigation, the Investigator, if they change Advisors at any time.

Formal Investigation and Notice

The Investigator will promptly commence an investigation if (1) the College has jurisdiction, (2) the complaint and information provided by the Parties describes a possible violation of the Policy, and (3) the

College cannot honor any existing request for confidentiality. All investigations will be thorough, reliable, impartial, prompt and fair.

Within ten (10) calendar days after the decision to commence a formal investigation, and before conducting any Party or witness interviews, the Investigator will provide written notification by e-mail and certified mail of the investigation to both the Complainant and the Respondent. The notice will identify the Parties involved, the specific section of the Policy allegedly violated, the conduct allegedly constituting the potential violation, and the date and location of the alleged incident.

Investigations entail interviews with all relevant Parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary. Investigations are completed expeditiously, normally within sixty (60) calendar days, though some investigations take weeks or even months, depending on numerous factors, including the nature, extent and complexity of the allegations and the availability of witnesses. The Investigator will typically take the following steps (not necessarily in order):

1. In coordination with the Gatekeepers, initiate or assist with any necessary interim remedial actions;
2. Identify all policies allegedly violated;
3. Provide the Complainant and the Respondent with notice that a formal investigation has commenced;
4. Allow the Parties to identify witnesses and evidence, and provide the opportunity to suggest questions they wish the Investigator to ask witnesses;
5. Prior to the conclusion of the investigation, provide the Parties with a list of witnesses whose information will be used to render a finding and all relevant evidence that will be used to render a finding. The Parties shall be afforded a full and fair opportunity to address that evidence prior to a finding being rendered;
6. Provide regular updates to the Complainant and the Respondent, as appropriate, throughout the investigation;
7. At the conclusion of the investigation, prepare an investigative report to be kept by the Title IX Administrator.
8. At the conclusion of the investigation, reach a finding as to each alleged Policy violation based on a preponderance of the evidence (whether a policy violation is more likely than not), and if warranted, implement disciplinary action(s) or sanction(s);
9. Present the findings and disciplinary actions or sanctions to the Parties and the Title IX Administrator, without undue delay between notifications.

Parties who elect not to participate in the investigation, or to withhold information from the investigation, do not have the ability to offer evidence later during the appeal if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

All investigation meetings are private. No unauthorized audio or video recording of any kind is permitted during investigation meetings. All persons present at any time during the grievance process are expected to maintain the privacy of the proceedings. While the contents of the proceedings are private, the Parties have

discretion to share their own experiences if they so choose, and should discuss doing so with their Advisors.

Sanctions

Factors considered by the Investigator in determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation;
- An individual's disciplinary history;
- Previous allegations involving similar conduct;
- The need for sanctions/responsive actions to bring an end to the gender-based misconduct;
- The need for sanctions/responsive actions to prevent the future recurrence of gender-based misconduct;
- The need to remedy the effects of the gender-based misconduct on the Complainant and the community; and
- Any other information deemed relevant by the Investigator.

The following are examples of sanctions that may be imposed upon a student Respondent found to have engaged in gender-based misconduct:

- **Warning**: A formal statement that the behavior was unacceptable and a warning that further infractions of any Northland policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Probation**: A written reprimand for violation of the Policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any Northland policy, procedure, or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-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 at Northland. This sanction may be noted as a Conduct Suspension on the student's official transcript, at the discretion of the Title IX Administrator.
- **Expulsion**: Permanent termination of student status, revocation of rights to be on campus for any reason or attend Northland sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
- **Withholding Diploma**: Northland may withhold a student's diploma for a specified period of time, and/or deny a student participation in commencement activities if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.

- Revocation of Degree: Northland reserves the right to revoke a degree awarded for fraud, misrepresentation or other violation of Northland 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, Northland may assign any other sanctions as deemed appropriate.

The following are examples of sanctions that may be imposed upon an employee Respondent found to have engaged in gender-based misconduct against a student:

- Verbal or written warning;
- Performance improvement plan;
- Required counseling;
- Required training or education;
- Probation;
- Loss of annual pay increase;
- Loss of oversight or supervisory responsibility;
- Demotion;
- Suspension (with or without pay);
- Discharge; and
- Other actions as deemed appropriate by Northland.

All Respondents are expected to comply with issued sanctions and responsive actions within the timeframe specified by the Investigator. Failure to abide by these sanctions and responsive actions by the date specified may result in additional sanctions and may be noted on a student's official transcript.

Appeal

All requests for appeal consideration must be submitted in writing to the Title IX Administrator within ten (10) calendar days of the delivery of the written findings to the appealing Party. Any Party may appeal the findings and/or sanctions under the grounds described below:

1. To determine whether the investigation was conducted fairly in light of the alleged violation(s), and information presented was in conformity with prescribed procedures. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
2. To determine whether there was sufficient information provided though the investigation and to establish that it is more likely than not that a violation of the College's policy has occurred.
3. To consider new information sufficient to alter a decision or other relevant facts not brought out in the original investigation, because such information and/or facts were not known or available. If additional information is offered or provided, the Appeal Officer may refer the matter back to the

Investigator to consider the new information, provide either Party with an opportunity to respond to such new information, and to determine whether the findings should be changed.

In all such cases, the Appeal Officer will conduct an initial review to determine if the appeal requests meets the limited grounds and is timely. The Appeal Officer (or designee) may consult with the Investigator on any procedural or substantive questions that arise. If the appeal is not timely or substantively eligible, the original finding and/or sanction(s) will stand and the decision is final. The Appeal Officer will provide written notification to the Parties within ten (10) calendar days of receipt of the appeal indicating whether the appeal has been accepted or rejected.

If the appeal is timely and satisfies at least one of the grounds described above, the Appeal Officer will review the case and make a determination. The Appeal Officer will prepare an appeals response and submit written notification to the Parties, generally within twenty (20) calendar days of receiving notice that the appeal has been accepted.

In addition, where the Investigator makes a finding that a student Respondent violated the Policy and recommends sanctions which include suspension or expulsion, prior to the implementation of the suspension or expulsion, the student may file an appeal. Such a request for appeal consideration must be submitted in writing to the Title IX Administrator within ten (10) calendar days of the delivery of the written findings to the appealing Party. Under such circumstances, the matter will proceed to a hearing, before a panel of three trained faculty members, on the issue of whether a preponderance of the evidence demonstrates that the Respondent violated the Policy, and if so, what sanctions shall be implemented.

Additional Procedures When A Student Appeal Results In A Hearing

At least fourteen (14) calendar days prior to the hearing, or as far in advance as is reasonably possible if an accelerated resolution process is scheduled with the consent of the Parties, the Chair of the Hearing Panel (or designee) will send a letter to the Parties by e-mail and certified mail with the following information: (1) an indication that the Parties may have the assistance of an Advisor of their choosing, at the hearing, though the Advisor's attendance at the hearing is the responsibility of the respective Parties; (2) the time, date and location of the hearing; and (3) a copy of the preliminary investigative report or summary. For good cause, and in his/her sole discretion, the Chair of the Hearing Panel (or designee) may grant requests to reschedule the hearing date.

At least seven (7) calendar days prior to the hearing, the Complainant and Respondent will provide the Chair of the Hearing Panel a list of the names of the proposed witnesses and copies of all proposed documentary evidence. At least five (5) calendar days prior to the hearing, the Chair of the Hearing Panel (or designee) will have the names of proposed witnesses and copies of all pertinent documentary evidence available for the Complainant and Respondent.

The Chair of the Hearing Panel, in consultation with the Parties, the Title IX Administrator, and the Investigator, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the Investigator in the investigation report or during the hearing. All Parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing. If alternative attendance or questioning mechanisms are desired, the Parties should request them from the Chair of the Hearing Panel at least two (2) business days prior to the hearing. Northland will make reasonable accommodations for both Parties in keeping with the principles of equity and fairness.

Conduct of Hearing

The Hearing Panel Chair shall preside over the hearing; call the hearing to order; ascertain the presence or absence of the Investigator, Complainant, and Respondent; confirm receipt of the notice of hearing; report any extensions requested or granted; and establish the presence of any Advisors. Formal rules of evidence shall not apply during the hearing.

1. Investigator's Report and Testimony

The Investigator will first present the written investigative report and may give a narrative report of the investigation, and then be subject to questioning by the Complainant, the Respondent, and the Hearing Panel. The Investigator may also call witnesses who will be subject to questioning by the Investigator, the Complainant, the Respondent, and the Hearing Panel. The Investigator may also submit documentary evidence. The Investigator(s) will remain present during the entire hearing process.

2. Complainant's Evidence

The Complainant may give testimony and be subject to questioning by the Investigator, the Respondent (through the Hearing Panel Chair), and the Hearing Panel. The Complainant may also call and question witnesses who may also then be questioned by the Respondent, the Investigator, and the Hearing Panel. The Complainant may also submit documentary evidence.

3. Respondent's Evidence

The Respondent may give testimony and be subject to questioning by the Investigator, the Complainant (through the Hearing Panel Chair), and the Hearing Panel. The Respondent may also call and question witnesses who may also then be questioned by the Complainant, the Investigator and the Hearing Panel. The Respondent may also submit documentary evidence.

4. Additional Rights of the Hearing Panel Chair

The Hearing Panel Chair shall:

- Determine the relevancy and admissibility of any evidence offered at the hearing;
- Have the authority to exclude a witness proposed by the Investigator, the Complainant, or the Respondent if it is determined that his/her testimony would be redundant or not relevant;
- Have the authority to dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the Hearing Panel Chair's rulings.

5. Findings and Sanctions

Following the hearing, the Hearing Panel will determine by consensus whether a preponderance of the evidence demonstrates that the Respondent is responsible for the policy violations in question. If the Respondent is found responsible, the Hearing Panel shall determine appropriate sanctions and remedial actions.

The Hearing Panel Chair (or designee) will prepare a written report detailing the finding and information supporting the finding. If the Respondent is found responsible, the report will conclude with the sanctions and remedial actions. The report shall be delivered to the Investigator and Title IX Administrator within ten (10) calendar days of the hearing. Deviation from this timeline will be

communicated to the Investigator, Title IX Administrator, and the Parties. The Title IX Administrator will inform the Respondent and the Complainant of the determination within five (5) calendar days of receipt of the Hearing Panel's report, without significant time delay between notifications. Notification will be made in writing and delivered by e-mail and certified mail.

6. Appeal of Hearing Findings and Sanctions

All requests for appeal consideration must be submitted in writing to the Title IX Administrator (or designee) within ten (10) calendar days of the delivery of the written findings to the appealing party. Any party may appeal the findings and/or sanctions under the grounds described below:

- a. To determine whether the hearing was conducted fairly in light of the alleged violation(s), and information presented was in conformity with prescribed procedures. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
- b. To consider new information sufficient to alter a decision or other relevant facts not brought out in the original investigation or hearing, because such information and/or facts were not known or available. If additional information is offered or provided, the Appeal Officer may refer the matter back to the Hearing Panel to consider the new information, provide either Party with an opportunity to respond to such new information, and to determine whether the findings and sanctions should be changed.

The appeal will proceed consistent with the procedures outlined above.

Informal Conflict Resolution

Either Party may request conflict resolution at any time during the Grievance Process. Upon receiving such a request, or of their own accord, the Title IX Administrator will determine if conflict resolution is appropriate, based on the willingness of the Parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution. Conflict resolution is often used for less serious, yet inappropriate behaviors and is encouraged as an alternative to resolve conflicts. Mediation as a form of conflict resolution is never utilized in cases involving allegations of nonconsensual sexual intercourse or nonconsensual sexual conduct.

In a conflict resolution meeting, a neutral, College-assigned facilitator will foster a dialogue with the Parties to an effective resolution, if possible. The Parties' Advisors may attend the conflict resolution meeting. The Title IX Administrator will keep record of any resolution that is reached, and failure to abide by the agreed upon resolution may result in sanctions. In the event the Parties are not able to reach a mutually agreeable resolution, the matter will be referred to the formal investigation or appeal process as appropriate. The content of the Parties' discussions during the conflict resolution process will be kept confidential in the event the matter proceeds to the formal investigation or appeal process. The Parties' agreement to participate in conflict resolution shall not be a factor in any subsequent decisions regarding whether a policy violation occurred.

Records

The records of all allegations, investigations, resolutions, and hearings will be kept by the Title IX Administrator for seven years following final resolution.

Statement Against Retaliation

Retaliation is any adverse action taken against a person because of that person's participation in protected activity. Northland strictly prohibits retaliation against any person for making any good faith report of a violation of the Gender-Based Misconduct Policy or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of a violation of the Policy. Any person who engages in such retaliation shall be subject to disciplinary action. Any person who believes he or she has been subjected to retaliation is encouraged to promptly notify the Title IX Administrator. The College will promptly investigate all complaints of retaliation.