

## **SEXUAL MISCONDUCT POLICY**

### **Notice of Non-Discrimination**

Dunwoody (also referred to as “the College”) is committed to maintaining a learning and working environment free from discrimination and intimidation, including harassment and sexual misconduct. The College’s mission is best accomplished in an atmosphere of professionalism which, in turn, is supported by mutual respect and trust. Dunwoody expects all students and employees and others doing business with Dunwoody to work toward this goal.

In accordance with applicable federal and state laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act, and the Americans with Disabilities Act and ADA Amendments, Dunwoody does not discriminate on the basis of sex, race, color, national origin, age, disability, marital status, genetic information, veteran status, or any other legally protected status, in its education programs and activities, employment policies and practices, or any other areas of the College.

This policy addresses the College’s prohibition of all forms of sex discrimination, including sexual assault and sexual harassment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, which provides that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Sexual harassment is a form of sex discrimination. Sexual harassment includes a variety of unwelcome behavior of a sexual nature, including gender-based harassment, unwelcome sexual advances, requests for sexual favors, sexual violence, and sexual assault.

Dunwoody strictly prohibits sexual discrimination and sexual harassment in any form. The College will promptly and equitably respond to all reports of sexual discrimination and harassment.

Questions or concerns about the application of Title IX, sex discrimination, sexual harassment, or other forms of sexual misconduct may be directed to the College’s Title IX Coordinator.

Carla Pogliano  
Title IX Coordinator  
Vice Provost for Program Development and Compliance  
612-381-8236  
Office: Silver Level  
cpogliano@dunwoody.edu

Questions or concerns may also be directed to the U.S. Department of Education’s Office for Civil Rights:

The Office of Civil Rights  
U.S. Department of Education  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661-4544  
Telephone: (312) 730-1560  
TDD: (877) 521-2172  
Email: OCR.chicago@ed.gov  
<http://www.ed.gov/ocr>

## **Scope of Policy**

This policy applies to all forms of sex discrimination, sexual and gender-based harassment, sexual misconduct, sexual assault, stalking, dating violence, and domestic violence. The policy discusses “sexual misconduct” when referring to sex discrimination in all forms, including sexual harassment, sexual assault, sexual violence, stalking, dating violence, and domestic violence.

This policy applies to all Dunwoody community members, including students, employees, faculty, administrators, staff, applicants for admission, and third parties such as volunteers, vendors, independent contractors, visitors, and individuals and entities that do business with Dunwoody. This policy applies regardless of the sexual orientation or gender identity of any of the parties.

All Dunwoody community members are required to follow Dunwoody policies and local, state, and federal law. This policy applies to any conduct that may adversely impact an employee’s work and/or a student’s or other person’s participation in the College’s educational and extra-curricular programs or other programs and activities. This policy applies to conduct occurring on Dunwoody property or at Dunwoody-sanctioned events or programs that take place off campus, including internships, and conduct that the College determines may cause or threaten to cause an unacceptable disruption at the College or which may interfere with an individual’s right to a non-discriminatory educational or work environment. Violation of this policy will lead to discipline, up to and including termination of employment for employees, expulsion or suspension from Dunwoody for students, or prohibition from doing business with Dunwoody and exclusion from Dunwoody’s campus for volunteers and third parties.

## **Definitions**

**Victim** refers to an individual who is alleged to have been subject to conduct that violates this policy.

**Accused** refers to an individual who has been accused of prohibited conduct under this policy.

**Complainant** refers to the individual filing a complaint with the College under the Sexual Misconduct Policy. The complainant will be the person who alleges that they have been subjected to sexual misconduct. In addition, the term “complainant” may also be used to refer generally to persons alleged to have

been subjected to conduct that violates this policy, whether or not they have filed a complaint.

**Respondent** refers to the individual named as the accused in a complaint resolution process with the College under the Sexual Misconduct Policy.

**Third party** refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

A **report** is an account of the sexual misconduct that has allegedly occurred that could be provided to the College by the complainant, a third party, or an anonymous source.

A **complaint** is an alleged policy violation that begins a complaint resolution process as set forth in the Procedures for Sexual Misconduct Complaint Resolution.

**Sex discrimination** is conduct based upon an individual's sex that excludes an individual from participation, denies the individual the benefits of, treats the individual differently, or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a program or activity. Sex discrimination encompasses all forms of sexual harassment, sexual violence, differential treatment, and gender-based harassment.

**Sexual harassment** is a form of sex discrimination and includes unwelcome conduct of a sexual nature, including sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature, when submission to such conduct, either explicitly or implicitly:

- is a condition of employment or educational experience; or
- is a basis for an employment, academic, or other educational decision; or
- substantially and unreasonably interferes with job performance or educational experience; or
- creates an intimidating, hostile, or offensive employment or educational environment.

Harassment of a sexual nature or based on sex is prohibited regardless of whether it is committed by a man or woman and regardless of whether it is targeted at a member of the same sex or a member of the opposite sex. Sexual harassment includes any sexual or gender-based verbal, written, or physical conduct that is unwanted and/or unreasonably interferes with or deprives someone of academic, social or work-related access, benefits, or opportunities in the College community or creates an environment that interferes with the wellbeing and/or success of an individual. Dunwoody prohibits sexual harassment in any form, including verbal, physical, and visual harassment.

Some examples of conduct that may be sexual harassment under this policy include but are not limited to:

- Unwelcome sexual flirtations, advances, or propositions;
- Requests for sexual favors;
- Punishing or threatening to punish a refusal to comply with a sexual-based request.
- Offering a benefit (such as a grade, promotion, or athletic participation) in exchange for sexual favors or other verbal or physical conduct of a sexual nature;
- Verbal abuse of a sexual nature, obscene language, gender- or sexually-oriented jokes, verbal commentary about an individual's body, sexual innuendo, and gossip about sexual relations;
- The display of derogatory or sexually suggestive posters, cartoons, drawings, or objects, or suggestive notes or letters or e-mails or text messages or in a public space;
- Visual conduct such as leering or making gestures;
- Sexually suggestive comments about an individual's body or body parts, or sexual degrading words to describe an individual;
- Unwanted kissing;
- Unwelcome touching of a sexual nature such as patting, pinching or brushing against another's body;
- Unwelcome verbal or physical conduct against an individual related to the individual's gender identity or the individual's conformity or failure to conform to gender stereotypes;
- Stalking;
- Cyber harassment, including but not limited to disseminating information, photos, or video of a sexual nature without consent;
- Videotaping or taking photographs of a sexual nature without consent;
- Sexual assault; and
- Any other unwelcome physical or verbal conduct of a sexual nature or based on sex.

**Sexual misconduct** prohibited by this policy incorporates a variety of behaviors, including, but not limited to: sex discrimination, sexual assault, sexual violence, sexual battery, sexual coercion, sexual harassment, stalking, domestic violence, dating violence, sex-based cyber harassment, hazing of a sexual nature, peeping, voyeurism, going beyond the boundaries of consent (such as secretly allowing others to watch a sexual encounter), attempted and actual non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, and any other conduct of a sexual nature that is nonconsensual or has the purpose or effect of threatening, intimidating, coercing or interfering with the rights of another person or persons

**Sexual exploitation** occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of sexual exploitation include, but are not limited to:

- Prostituting another person.
- Non-consensual video- or audio-taping of sexual activity or intimate body parts.
- Posting sexually explicit photos or videos in public or on social media sites or other distribution of such photos or videos without consent.
- Viewing or permitting someone else to view another's sexual activity or intimate body parts, in a place where that person would have a reasonable expectation of privacy, without consent.
- Exposing one's genitals or inducing another to expose their genitals in non-consensual circumstances.
- Knowingly transmitting a sexually transmitted disease or sexually transmitted infection to another person.

**Sexual assault** is any actual or attempted sexual contact with another person without that person's consent. As used in this policy, sexual contact includes intentional contact by the accused with the victim's genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed, or coerced touching by the victim of another's genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed. Sexual assault includes but is not limited to an offense that meets any of the following definitions:

- Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, oral penetration by a sex organ of another person, or oral contact with the sex organ of another person, without the consent of the victim.
- Fondling: the touching of the private body parts (including the genital area, groin, inner thigh, buttocks, or breast) of another person for the purpose of sexual gratification, without the consent of the victim.
- 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; in Minnesota, the age of consent is 16.

**Consent** means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent must be informed and freely and actively given.

In cases of alleged sexual assault or other sexual misconduct, Dunwoody applies the legal definition of consent as well as the principles listed below in determining whether an actor consented to a particular act:

- The use or threatened use of force or other forms of coercion or intimidation take away a person's ability to give consent to sexual contact. Consent is not present when another person fears the consequences of not consenting.
- Consent is not present simply because a party was silent or failed to resist a particular sexual act.
- A person who is incapacitated, whether by drugs, alcohol, sleep, or other means, cannot consent to a sexual act. This is true regardless of whether the person voluntarily or involuntarily consumed the drugs or alcohol.

**Incapacitation** means the inability to understand the fact, nature, or extent of the sexual situation. Incapacitation may result from mental or physical disability, sleep, unconsciousness, involuntary physical restraint, or from the influence of drugs or alcohol. With respect to incapacitation due to the influence of drug or alcohol, incapacitation requires more than being under the influence of drugs or alcohol; a person is not incapacitated just because they have been drinking or using drugs. Where drugs and/or alcohol are involved, incapacitation is determined based on the facts and circumstances of the particular situation looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation, whether the individual was able to communicate decisions regarding consent, non-consent, or the withdrawal of consent, and whether such condition was known or reasonably known to the respondent or a reasonable person in respondent's position.

- Use of drugs or alcohol by the accused is not a defense against allegations of sexual misconduct and does not diminish personal responsibility. It is the responsibility of the person initiating the specific sexual activity to obtain consent for that activity.
- Consent to one sexual act does not imply consent to another. Consent has to be specific to the act. Past consent to sexual activity does not imply ongoing future consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent can be revoked at any time.
- A person who is not of legal age (16 in Minnesota) cannot consent to sexual activity.
- Consent is a mutually understood and freely given "yes," not the absence of "no."

**Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the statement of the individual alleging the dating violence and a consideration of the following factors:

(i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by a family or household member. “Family or household member” means: current or former spouse, parent, child, other blood relative, or persons involved in a significant romantic or sexual relationship, person with whom the victim shares a child in common, a man and woman if he woman is pregnant and the man is alleged to be the father, and, persons who presently reside together or who have resided together in the past, or by any other person against an adult or youth victim who is protected from that person’s acts under domestic or family violence laws.

**Stalking** means engaging in a course or pattern of unwelcome and unwanted conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, to feel oppressed, persecuted, or intimidated, or to suffer substantial emotional distress and that causes such reaction for the victim, regardless of the relationship between the actor and victim.

- **Course or pattern of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through others (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.
- **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.

Stalking behavior includes, but is not limited to:

- Repeated, unwanted, intrusive, and frightening communications by phone, mail, text message, and/or email or inducing the victim to make telephone calls to the actor, whether or not conversation ensues;
- Repeatedly leaving or sending victim unwanted items, presents, or flowers;
- Following or laying in wait for the victim at places such as home, school, work, or recreation place, or following, pursuing or monitoring another through any available technological or other means;

- Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets;
- Damaging or threatening to damage the victim's property;
- Returning to the property of another without claim of right or consent from the property owner
- Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth;
- Unreasonably obtaining personal information about the victim.

**Retaliation** is any materially adverse action, or threat thereof, against an individual because of the individual's good faith report or complaint of a potential policy violation or their good faith participation in an investigation or hearing. Retaliatory acts may include, but are not limited to: adverse changes in employment status or opportunities; adverse academic action; adverse changes to academic, educational and extra-curricular opportunities; harassment; intimidation; acts or comments intended to embarrass the individual; and seeking out or attempting to discover the parties and witnesses involved in a report or complaint process for the purpose of influencing their participation or testimony or taking adverse action against them. Retaliatory conduct is prohibited regardless of whether it occurs on or off campus, in person, or through social media, e-mail, or other form of communication.

## **RESPONSIBILITIES OF TITLE IX COORDINATOR AND TITLE IX TEAM**

Dunwoody's Title IX Coordinator is:

Carla Pogliano  
 Vice Provost for Program Development and Compliance  
 612-381-8236  
 Office: Silver Level  
 cpogliano@dunwoody.edu

The Title IX Coordinator is the designated representative of the College with primary responsibility for coordinating Dunwoody's Title IX compliance efforts, including Dunwoody's efforts to end sexual misconduct, prevent its recurrence, and address its effects. The Title IX Coordinator oversees and monitors Dunwoody's overall compliance with Title IX-related policies and developments; the implementation and oversight of grievance processes and procedures, including notification, investigation and adjudication of complaints; provision of educational materials and training for the campus community; and monitoring all other aspects of the college's Title IX compliance. These responsibilities (which may be carried about by the Title IX Coordinator or the Title IX Coordinator's designee) include, but are not limited to:

- Ensuring Dunwoody policies and procedures and relevant state and federal laws are followed;



- Advising any individual, including a complainant, a respondent or a third party, about the courses of action available at Dunwoody and in the community;
- Assisting Dunwoody employees regarding how to respond appropriately to a report of sex discrimination, sexual harassment, sexual assault, stalking, domestic violence, or dating violence;
- Monitoring compliance with all procedural requirements and time frames outlined in this policy;
- Evaluating allegations of bias or conflict of interest relating to the procedures outlined in this policy;
- Determining whether grounds for appeal under this policy have been stated;
- Ensuring that appropriate training, prevention and education efforts, and periodic reviews of climate and culture take place;
- Coordinating Dunwoody's efforts to identify and address any patterns or systemic problems revealed by reports and complaints; and
- Assisting in answering any other questions related to this policy.

Dunwoody's Title IX Team includes: Kelli Sattler, Dean of Students, Patricia Edman, Vice President of Human Resources, and Mike White, Dean of Applied Management, Computer Technology, Health Sciences, Design and Graphics Technology. These team members have a shared responsibility for consulting with and supporting the Title IX Coordinator and may serve as the Coordinator's designee(s). Members of the team may also be called upon to investigate complaints of sexual misconduct, resolve complaints, review appeals, and/or facilitate informal resolutions to conflicts or complaints.

## **CONFIDENTIALITY**

The College is committed to protecting the privacy of individuals involved in a report of sexual misconduct. Dunwoody encourages individuals who have experienced sexual misconduct to talk to someone about what happened. Privacy and confidentiality have distinct meanings under this policy. Different people on campus have different legal reporting responsibilities, and different abilities to maintain privacy or confidentiality, depending on their roles at Dunwoody.

In making a decision about whom to contact for support and information, it is important to understand that most Dunwoody employees are not confidential resources, and are therefore obligated to report to Dunwoody any information they receive about sexual misconduct. Persons who have experienced sexual misconduct are encouraged to consider the following information in choosing whom to contact for information and support.

### **Confidential Resources**

Confidential communications are those communications which legally cannot be

disclosed to another person, without the reporter's consent, except under very limited circumstances such as allegations involving the physical or sexual abuse of a child (under the age of 18) or vulnerable adult or an imminent threat to the life of any person. Dunwoody recognizes that some individuals may wish to keep their concerns confidential. Individuals who desire the details of sexual misconduct to be kept confidential should speak with a medical professional, professional counselor, minister or other pastoral counselor, or trained victims' advocate. These resources can be found in the resource section on pages 35 and 36 of this policy.

A person who speaks to a confidential resource should understand that if the person does not report the concern to Dunwoody, Dunwoody will be unable to conduct an investigation into the particular incident or pursue disciplinary action.

### **Non-Confidential Communications**

Non-confidential communications are those communications with any Dunwoody employee who is not a confidential resource as identified above. Only confidential resources can promise confidentiality. All other Dunwoody employees who become aware of incidents or allegations of sexual misconduct have a responsibility to report the matter to the Title IX Coordinator. Allegations of policy violations will be considered private and will only be shared with other Dunwoody employees on a need to know basis. The allegations will not be shared with law enforcement without the consent of the individual who has alleged the sexual misconduct.

Persons who are not confidential resources will make every effort to refer an individual to confidential resources as described above before the individual has disclosed a situation that requires reporting to the Title IX Coordinator.

### **Requests for Confidentiality or Non-Action**

When Dunwoody receives a report of sexual misconduct, it has a legal obligation to respond in a timely and appropriate manner. Making a report to Dunwoody does not require an individual to begin or participate in a complaint resolution process or to report to local law enforcement. However, based on the information gathered, Dunwoody may determine that it has a responsibility to move forward with the complaint resolution process (even without the participation of the individual who has alleged the sexual misconduct). In a situation in which the individual requests that their name or other identifiable information not be shared with the accused, or that no action be taken against the accused, Dunwoody will evaluate the request considering the following factors: the seriousness of the alleged conduct, the respective ages and roles of the individual who has alleged the sexual misconduct and the accused, whether there have been other complaints or reports of harassment or misconduct against the accused, the College's ability to conduct an investigation without revealing identifiable information, and the extent of any threat to the Dunwoody community.

Dunwoody will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation

made by the individual who has alleged the sexual misconduct, however, the scope of the response by Dunwoody may be impacted or limited based on the nature of the individual's request. The Title IX Coordinator may determine that the individual's request for confidentiality or no action cannot be honored. In this instance, the Title IX Coordinator or designee will inform the individual about the chosen course of action, which may include an investigation of the incident(s) reported and may, at the individual's request, communicate to the accused that the individual asked Dunwoody not to investigate and that Dunwoody determined it needed to do so. Alternatively, action could include steps to limit the effects of the alleged misconduct and prevent its recurrence that do not involve an investigation or formal disciplinary action against the accused or reveal the identity of the individual who has alleged the sexual misconduct. In order to protect the rights and safety of this community, Dunwoody reserves the right to take whatever measures deemed necessary in response to an allegation of sexual misconduct. While Dunwoody cannot guarantee confidentiality, it will strive to accommodate the individual's requests to the extent possible consistent with the legal obligations of Dunwoody to respond appropriately to reports.

### **Clery Act Reporting and Timely Warning**

Pursuant to the Clery Act, Dunwoody includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. In addition, the Clery Act requires Dunwoody to issue a crime alert (timely warning) to the campus community about certain reported offenses which may represent a serious or continuing threat to students and employees. The timely warning may include that an incident has been reported, general information surrounding the incident, and how incidents of a similar nature might be prevented in the future. The timely warning will not include any identifying information about the individual who has alleged the sexual misconduct.

All Dunwoody processes are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and state and federal law. No information shall be released from such processes except as required or permitted by law and Dunwoody policy.

### **IMMEDIATE AND ONGOING ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL MISCONDUCT**

Dunwoody will support any person adversely impacted by sexual misconduct. Both Dunwoody and the Minneapolis community provide a variety of resources to assist and support individuals who have experienced sexual misconduct or are affected by allegations of sexual misconduct. These resources, both immediate and ongoing, are available to all persons irrespective of their decision to report to the College or to law enforcement. Contact information for on- and off-campus resources (including confidential resources) who can provide an immediate response in a crisis situation, including assisting with obtaining needed resources and explaining reporting options, is listed in the Resources section at the end of this policy and on the College's website. Emergency numbers and information about health care options are also listed in the

Resources section at the end of this policy and on the College's website.

Support services that may be available include, but are not limited to, connecting the individual with appropriate on-campus and off-campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and support services; making changes to academic, living, transportation, and/or working arrangements; assistance in filing a criminal complaint; and providing information about restraining orders and other available protections and services. Additional information about ongoing assistance is in the Interim Measures section below. To receive information about obtaining support services, individuals should contact the Title IX Coordinator or a confidential resource.

Dunwoody will provide written notification to affected individuals about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the College and in the community.

A complete description of Dunwoody and community resources, both confidential and non-confidential, and additional information regarding what to do if you are sexually assaulted is provided in the Resources section at the end of this policy and on the College's website. Individuals who believe they have been subjected to any form of sexual misconduct are encouraged to seek support from these resources.

## **REPORTING SEXUAL MISCONDUCT**

The College encourages anyone who has experienced or knows of sexual misconduct to report the incident to the College. Reports should include as much information as possible to enable the College to respond appropriately. An individual may report sexual misconduct to the College by contacting the following:

Carla Pogliano  
Title IX Coordinator  
Vice Provost for Program Development and Compliance  
612-381-8236  
Office: Silver Level  
[cpogliano@dunwoody.edu](mailto:cpogliano@dunwoody.edu)

Students: Dean of Students, Kelli Sattler (612) 381-3437, Office: Pinsky Center, [ksattler@dunwoody.edu](mailto:ksattler@dunwoody.edu)

Employees: Vice President of Human Resources, (612) 381-3308, Office: Blue 54, [pedman@dunwoody.edu](mailto:pedman@dunwoody.edu)

The College wants to respond appropriately to all incidents of sexual misconduct, but it can do so only if it is aware of them. Dunwoody, therefore, encourages all individuals to report all incidents of sexual misconduct to the College so that the College can appropriately address such incidents. Reports can be made by telephone, via email, or in person. As discussed below, individuals also have the option to file an anonymous report using the College's anonymous online reporting form.

Dunwoody will investigate harassment and sexual misconduct complaints as appropriate, and take other action it deems appropriate. As described below, Dunwoody may take interim action while the investigation is pending, such as changes to academic or work situations, no contact orders, or other measures, to protect the complainant and respondent. Any person who is found to have committed prohibited harassment or sexual misconduct will be subject to disciplinary action up to and including suspension or expulsion from Dunwoody or termination of employment. All possible sanctions are found in the Sanctions section of this Policy.

### **Employee Reporting Obligations**

In order to enable Dunwoody to respond effectively and to prevent future instances of sexual misconduct, all Dunwoody employees who are not confidential resources, who obtain or receive information regarding a possible violation of this policy must report that information to the Title IX Coordinator. Student employees who receive such information in the course of their work position or duties also must report the information to the Title IX Coordinator. Such report should be made as soon as possible and should include all relevant details needed to assess the situation. This includes, to the extent known, the names of the accused (if known), the individual alleged to have experienced the sexual misconduct, other individuals involved in the incident, as well as relevant facts, including the date, time, and location. Employees who receive such reports should not attempt to “investigate” the allegation or require the alleged victim/reporting individual to provide all of the details surrounding the alleged misconduct. To the extent the alleged victim/reporting individual provides detail, that information should be provided to the Title IX Coordinator. Upon receiving a report of alleged or possible sexual misconduct, the Title IX Coordinator will evaluate the information received and determine what further actions should be taken consistent with the complaint resolution process and this policy.

### **Mandatory Reporting Concerning Minors**

Any Dunwoody employee who becomes aware of the abuse (physical or sexual) or neglect of a child under the age of 18 must report it immediately to Campus Security and the Title IX Coordinator. In addition, as a mandatory reporter under Minnesota law, such individual must also immediately report the abuse or neglect to the local welfare agency, agency responsible for assessing or investigating the report, police department, or county sheriff.

### **Anonymous Reports**

The College will accept anonymous reports of sexual misconduct. Reports may be filed anonymously using the College’s anonymous online reporting form without requesting further action from the College. The individual making the report is encouraged to provide as much detailed information as possible to allow the College to investigate the report and respond as appropriate. The College may be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the

College to conduct a meaningful and fair investigation.

### **Reporting to Law Enforcement**

Some types of sexual harassment and sexual misconduct prohibited by this policy, such as sexual assault, also constitute criminal conduct. If you are the victim of sexual assault or another crime, Dunwoody encourages you to contact law enforcement immediately. Law enforcement can help you obtain medical treatment, can immediately begin an investigation, and can take steps to ensure that evidence is preserved so that the crime may be prosecuted. Dunwoody will, at the direction of law enforcement, provide complete and prompt assistance in obtaining, securing, and maintaining evidence in connection with criminal conduct that violates this policy.

Reporting potentially criminal conduct to Dunwoody does not require an individual to make a report to law enforcement. However, at the victim's request, Dunwoody will provide assistance in reporting criminal conduct to law enforcement and will preserve any materials relevant to a report or proceeding initiated under this policy.

Additionally, a decision not to file a criminal complaint does not preclude a complainant from making a complaint under this policy. An individual can bring a complaint under Dunwoody's policy, even if the individual chooses not to report to law enforcement.

If you would like to report sexual violence to law enforcement, the Minneapolis Police Department can be contacted by calling 911 or (612) 673-5701.

### **Harassment Orders, Protective Orders and No-Contact Orders**

Harassment restraining orders and orders for protection are legal orders issued by a state court which forbid someone from harassing and/or making contact with another. A harassment restraining order is a court order issued against an alleged harasser, regardless of the relationship between the alleged harasser and the alleged victim, which orders the harasser to stop harassing the victim and/or to have no contact with the victim. An order for protection is a civil court order that protects one family or household member from domestic abuse by another family or household member. Petition forms to apply for Harassment Restraining Orders or to seek an Order for Protection are available at the Hennepin County Government Center in downtown Minneapolis. Forms are also available on-line from the Minnesota Judicial Branch website at [www.mncourts.gov](http://www.mncourts.gov), but forms must be submitted to the Court Administrator at the Hennepin County Courthouse during business hours.

A no-contact directive is a College-issued directive that prohibits one or both parties from communication or contact with another. No-contact directives may be mutual or one-sided. Generally, no-contact directives issued pending the outcome of an investigation will be mutual and serve as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another. To request a no-contact directive from the College, individuals should contact Carla Pogliano Title IX Coordinator and Vice Provost for Program Development and Compliance, 612-381-

8236, Office: Silver Level, [cpogliano@dunwoody.edu](mailto:cpogliano@dunwoody.edu).

## **Crime Victims Bill of Rights**

Pursuant to state law, victims of crime must be informed of their rights under the Crime Victims Bill of Rights. The following is a summary of crime victims' rights under Minnesota law.

When a crime is reported to law enforcement, victims have the right to:

- Request that their identity be kept private in reports available to the public;
- Be notified of crime victim rights and information on the nearest crime victim assistance program or resource;
- Apply for financial assistance for non-property losses related to a crime;
- Participate in prosecution of the case, including the right to be informed of a prosecutor's decision to decline prosecution or dismiss their case;
- Protection from harm, including information about seeking a protective or harassment order at no cost;
- Protection against employer retaliation for taking time off to attend protection or harassment restraining order proceedings; and
- Assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety.

Victims of domestic abuse also have the right to terminate a lease without penalty. Victims of sexual assault have the right to undergo a confidential sexual assault examination at no cost, make a confidential request for HIV testing of a convicted felon, and are not required to undergo a polygraph examination in order for an investigation or prosecution to proceed. In cases of domestic abuse and violent crime where an arrest has been made, victims also have the right to be provided notice of the release of the offender, including information on the release conditions and supervising agency.

Complete information about crime victims' rights can be found at: <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx>

## **Notification to Disciplinary Authorities**

At the victim's request, Dunwoody will also assist in notifying College disciplinary authorities of the incident.

## **Retaliation Prohibited**

Retaliation against any individual for making a complaint under this policy, for opposing harassment, or for participating in an investigation of any claim regarding harassment or sexual misconduct is strictly prohibited. If you feel you have experienced such retaliation, you should **immediately** contact:

Carla Pogliano

Title IX Coordinator  
Vice Provost for Program Development and Compliance  
612-381-8236  
Office: Silver Level  
[cpogliano@dunwoody.edu](mailto:cpogliano@dunwoody.edu)

The following individuals may also be contacted:

Students: Dean of Students, Kelli Sattler (612) 381-3437, Office: Pinsky Center, [ksattler@dunwoody.edu](mailto:ksattler@dunwoody.edu)  
Employees: Vice President of Human Resources, (612) 381-3308, Office: Blue 54, [pedman@dunwoody.edu](mailto:pedman@dunwoody.edu)

Retaliation is defined in the Definition section of this policy. Complaints of retaliation will be treated as a new complaint and investigated using this same process.

### **Waiver of Drug/Alcohol Violations**

Dunwoody strongly encourages reporting instances of sexual misconduct, including sexual assault, dating violence, domestic violence, and stalking. Consequently, individuals who make a good faith report of such information, and individuals who participate in an investigation into allegations of violations of this policy, will not be disciplined by Dunwoody for any violation of its drug and alcohol policies in which they might have engaged in connection with the reported incident.

### **GENERAL PROVISIONS FOR COMPLAINT RESOLUTION PROCESS**

When Dunwoody receives a complaint of a potential policy violation, Dunwoody will promptly investigate and address the complaint pursuant to the guidelines and procedures set forth below.

### **Rights of the Complainant and Respondent**

The complainant and respondent are entitled to:

- to be treated with respect, sensitivity, and dignity;
- appropriate support from the College;
- privacy to the extent possible based on applicable law and College policy;
- information on the policy and procedures;
- the right to participate or decline to participate in the complaint resolution process, with the acknowledgement that not participating, either totally or in part, may not prevent the process from proceeding with the information available;
- equitable procedures that provide both parties with a prompt, fair and impartial investigation and resolution conducted by officials who receive annual training on conduct prohibited by the policy;



- notice of the allegations and defenses and an opportunity to respond;
- an equal opportunity to identify relevant witnesses and other evidence and to suggest possible topics to be covered with witnesses during the formal process;
- for the complainant, not to be questioned or have evidence considered regarding the complainant's prior sexual conduct with anyone other than the respondent;
- for the complainant, not to be treated in a manner that suggests she or he is at fault for the sexual assault or violence or that she or he should have acted in a different manner to avoid becoming a victim;
- the right to appeal the decision and/or the sanctions;
- the right to notification, in writing, of the resolution, including the outcome of any appeal;
- the right to report the incident to law enforcement at any time or to decline to do so;
- for an individual who reported sexual misconduct, to be provided access to his or her description of the incident, as it was reported to the College, including if the individual transfers to another post-secondary institution, subject to compliance with FERPA, the Clery Act, Title IX, and other federal or state law. Requests for an individual's description of the incident should be made to the Title IX Coordinator.

### **Additional Rights in Cases Involving Allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking**

In cases involving allegations of sexual assault, dating violence, domestic violence, or stalking, the following rights will be afforded to the complainant and the respondent in addition to those rights described above.

- The complainant and respondent will be provided timely notice of meetings at which the complainant or respondent may be present.
- The complainant and respondent will be provided timely and equal access to any information that will be used during informal and formal disciplinary meetings during the adjudication phase of the complaint resolution process.
- The complainant and respondent have the right to have an advisor present during the complaint resolution process. The College will not limit the choice of advisor or presence of the advisor for the complainant or respondent in any meeting or disciplinary process. See the Advisors section below for additional information and rules regarding the conduct of advisors.

### **Advisors in Cases Involving Allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking**

The complainant and the respondent in the complaint resolution process involving allegations of sexual assault, dating violence, domestic violence, and stalking have the right to be assisted by an advisor of their choice, including an attorney.

Guidelines for advisors are:

- The purpose of the advisor is to support an individual during the complaint resolution process. An advisor is permitted to accompany the individual to in-person interviews or other meetings during the complaint resolution process. In selecting an advisor, each party should consider the potential advisor's availability to attend in-person interviews and meetings. As a general matter, the College will not unnecessarily delay its proceedings to accommodate the schedules of advisors.
- Advisors may confer with their advisee, but they may not actively participate in the complaint resolution process. The advisor may accompany the complainant or respondent to all meetings relating to the complaint resolution process. The advisor may not appear in lieu of the complainant or respondent or speak on their behalf in either in-person or written communications to the College. The advisor may not communicate directly with the investigator, adjudicators, appeal officers, Title IX Coordinator or any other school official involved in the complaint resolution process and may not interrupt or otherwise delay the complaint resolution process.
- Advisors may have access to information concerning a case only when accompanying the party (for in-person access to information) or only when the party has given permission for the advisor to be copied on emails or other correspondence (for access to written communications). An advisor's access to such information is subject to the same limitations as those placed upon the parties and conditioned upon the advisor's agreement to maintain the confidentiality of any student education records or other confidential information.
- The College will notify a party to a complaint resolution process if another party involved in the complaint resolution process has obtained an advisor. The notice shall indicate if the other party's advisor is an attorney.
- Advisors will be required to sign an Advisor Agreement acknowledging receipt and understanding of these requirements. Failure to comply with these requirements, including violations of confidentiality, or other forms of interference with the complaint resolution process by the advisor may result in disqualification of an advisor. The College reserves the right to dismiss an advisor.

### **Requests for Reasonable Accommodations**

Individuals who need a reasonable accommodation should contact the Title IX Coordinator. The College will consider requests for reasonable accommodations submitted to the Title IX Coordinator on a case-by-case basis. Accommodations the College may provide include:

- Providing reasonable accommodations as required by law to an individual with a disability who requests an accommodation necessary to participate in the complaint resolution process.
- Providing an interpreter for individuals who are limited English-language proficient.

## **Protective and Interim Measures**

At any time after a report of a potential violation of this policy has been received by the College, the Title IX Coordinator or designee(s) will consider whether interim measures are reasonably necessary or appropriate to protect the parties and the broader Dunwoody community, pending completion of the resolution process. The College will make accommodations and provide protective measures for an individual who believes he or she has experienced sexual misconduct, if requested and reasonably available. The College may take such steps even when an individual asks that the College keep a reported violation of this policy confidential and that it not investigate the matter and regardless of whether an individual chooses to report to law enforcement. The College may also provide accommodations and resources to others involved in the process, including those adversely affected by allegations of sexual misconduct, if requested and reasonably available. The College determines which measures are appropriate for a particular individual on a case-by-case basis.

Examples of interim measures include, without limitation:

- Establishing a “no contact” directive prohibiting the parties involved from communicating with each other during the response and resolution process.
- Changing an individual’s on-campus residency, dining, or transportation arrangements.
- Assistance in finding alternative housing.
- Changing an individual’s student or employee status or job responsibilities.
- Changing an individual’s work or class schedule.
- Providing academic accommodations or providing assistance with academic issues.
- Providing security escorts.
- Access to counseling and medical services.
- Making information about orders for protection and harassment restraining orders available to a complainant.
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.
- For students who choose to transfer to another institution: At the student’s request, providing information about resources for victims of sexual assault at the institution to which the student is transferring.

To request an accommodation or interim measure, individuals should contact the Title IX Coordinator.

The College will maintain as confidential any interim measures or protective measures provided to an individual, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the accommodations or protective measures.

Additional services are available on campus and/or in the community, as described in the Resources section at the end of this policy and on the College's website.

### **Conflicts**

If a complainant or respondent has any concern that any individual acting for the College under this policy has a conflict of interest or bias, such concern should be reported in writing to the Title IX Coordinator. Any concern regarding a conflict of interest or bias must be submitted in writing within two (2) days after receiving notice of the person's involvement in the process. The Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest exist on the part of anyone investigating or resolving a complaint under this policy.

If the Title IX Coordinator has a conflict of interest with respect to a complaint, the College's Vice President of Human Resources shall appoint an alternate person to oversee adherence to the Sexual Misconduct Policy with respect to the complaint at issue. If the Title IX Coordinator and Vice President of Human Resources have a conflict of interest with respect to a complaint, the Dean of Students shall ensure that the College puts in place appropriate safeguards under the circumstances to ensure that the institution promptly and equitably responds to the complaint, including, but not limited to, appointment of alternate individuals to oversee adherence to the Sexual Misconduct Policy.

### **Non-Participation and Silence**

If, at any time during the complaint resolution process, a party decides not to participate, the College will proceed with the complaint resolution process and make a determination based upon the information available. Even if a party decides not to participate or chooses to stop participating at a phase of the process, the party will still be given the option to participate during additional phases of the process. Silence in response to an allegation will not necessarily be viewed as an admission of the allegation, but may leave the complainant's allegations undisputed.

### **Time Frames for Resolution**

Dunwoody is committed to the prompt and equitable resolution of allegations of sexual misconduct. Dunwoody will strive to conclude the response and resolution process within 60 days of receiving a complaint alleging a policy violation. Specific time frames for each phase of the complaint resolution process are set forth in the Procedures for Sexual Misconduct Complaint Resolution below. Generally, the College will strive to complete the investigation within 30 calendar days and the adjudication within 30 calendar days after completion of the investigation. Circumstances may arise that require the extension of time frames based on the complexity of the allegations, the

number of witnesses involved, the availability of the parties involved, witnesses being absent from campus, the effect of a concurrent criminal investigation, any intervening school break, vacation, or other unforeseen circumstance.

In cases where conduct that violates this policy has also been reported to the police, Dunwoody will not delay its investigation and resolution procedures in order to wait for the conclusion of a criminal investigation or proceeding. The College will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation. As such, the College may need to delay temporarily an investigation under this policy while law enforcement is in the process of gathering evidence. This process typically takes 7-10 days. Once law enforcement has completed its gathering of evidence, the College will promptly resume and complete its investigation and resolution procedures.

In the event that the investigation and resolution exceed the 60-day timeframe, or to the extent additional time is needed during any of the phases of the process discussed below, the College will notify all parties of the reason for the delay and the expected adjustment in time frames. Efforts will be made to complete the process in a timely manner balancing principles of thoroughness, fundamental fairness, and promptness.

Complainants are encouraged to begin the complaint resolution process as soon as possible following an alleged incident. If a complaint is brought forward more than three (3) calendar years after an alleged incident, the College, in its discretion, may decline to process a complaint under these procedures, but reserves the right to take other administrative action as appropriate depending on the specific circumstances of the complaint. If at least one party involved in the complaint is still a member of the College community as a student or employee, the complaint generally will be processed under these procedures.

## **PROCEDURES FOR SEXUAL MISCONDUCT COMPLAINT RESOLUTION**

All processes involving a sexual misconduct complaint will provide a prompt, fair, and impartial investigation and resolution. Processes will be conducted by individuals who receive annual training on the issues related to sexual harassment, sexual assault, domestic violence, dating violence, stalking, and how to conduct an investigation and decision-making process that protects the safety of all and promotes accountability. In addition, processes will be conducted by individuals who do not have a conflict of interest or bias for or against the complainant or respondent.

### **Initial Title IX Review and Assessment**

In most cases, the first step of the complaint resolution process is a preliminary meeting between the complainant and the Title IX Coordinator or the Title IX Coordinator's designee(s). The purpose of the preliminary meeting is to allow the Title IX Coordinator to gain a basic understanding of the nature and circumstances of the complaint; it is not intended to be a full investigation interview.

As part of the initial meeting with the complainant, the Title IX Coordinator or the Title IX Coordinator's designee(s) will:

- assess the nature and circumstances of the allegation;
- address immediate physical safety and emotional well-being of the complainant;
- notify the complainant of the right to contact law enforcement and seek medical treatment;
- notify the complainant of the importance of preservation of evidence;
- provide the complainant with information about on- and off-campus resources;
- notify the complainant of the range of interim accommodations and remedies;
- provide the complainant with an explanation of the procedural options, including how to file a complaint and the complaint process;
- in cases involving allegations of sexual assault, dating violence, domestic violence, or stalking, advise the complainant of the right to have an advisor of choice;
- discuss the complainant's expressed preference for the manner of resolution and any barriers to process; and
- explain the College's policy prohibiting retaliation.

All reports and complaints of sexual misconduct will be reviewed by the Title IX Coordinator and/or the Title IX Coordinator's designee(s) to determine the risk of harm to individuals or to the campus community. Steps will be taken to address these risks in consultation with the members of the Title IX Team. The Title IX Coordinator and/or the Title IX Coordinator's designee(s) will also assess the reported conduct for the need for a timely warning under the Clery Act; and assess for pattern evidence or other similar conduct by respondent.

The Title IX Coordinator or designee(s) has discretion to refer the matter to other College disciplinary procedures. This referral option will generally be used when the alleged behavior does not fall within the policy or the alleged behavior applies to another disciplinary procedure. If the Title IX Coordinator or designee(s) determines that the report or complaint, even if substantiated, would not be a violation of this policy, they may dismiss the matter or refer it to another applicable disciplinary procedure. The parties will be notified of that determination and the complainant will be informed of other procedures for resolving the complaint and of other resources that may be available to the complainant.

This initial review generally will take no more than five calendar (5) days.

### **Sexual Misconduct Complaint**

The filing of a complaint begins the complaint resolution process under this procedure. In most cases, complaints are made by the complainant. However, the College reserves the right to move forward with the complaint resolution process to protect the

safety and welfare of the community, even if an individual chooses not to move forward with a complaint. Generally, the Title IX Coordinator will make a determination of whether the College will move forward with a complaint resolution process in the absence of a filed complaint. If the College decides that it has an obligation to move forward with the complaint resolution process, it will notify the complainant before proceeding.

Complaints of sexual misconduct should be made through the Title IX Coordinator or the following designees:

Carla Pogliano  
Title IX Coordinator  
Vice Provost for Program Development and Compliance  
612-381-8236  
Office: Silver Level  
[cpogliano@dunwoody.edu](mailto:cpogliano@dunwoody.edu)

Students: Dean of Students, Kelli Sattler (612) 381-3437, Office: Pinska Center, [ksattler@dunwoody.edu](mailto:ksattler@dunwoody.edu)

Employees: Vice President of Human Resources, (612) 381-3308, Office: Blue 54, [pedman@dunwoody.edu](mailto:pedman@dunwoody.edu)

### **Notice of Allegation**

When the Title IX Coordinator has received a complaint of sexual misconduct, the Title IX Coordinator or designee(s) will meet with the respondent and will:

- notify the respondent of the complaint and potential policy violation that is being investigated;
- provide the respondent an explanation of the process;
- notify the respondent of the importance of preservation of evidence;
- notify the respondent of any interim measure or remedies that have been put in place that directly relate to the respondent (i.e., no-contact order);
- provide the respondent with information about on- and off-campus resources;
- in cases involving allegations of sexual assault, dating violence, domestic violence, or stalking, advise the respondent of the right to have an advisor; and
- explain the College's policy prohibiting retaliation.

### **Alternative Resolution Process**

When the complainant chooses to move forward with the complaint resolution process, the complainant has the option to proceed informally, where permissible. In cases involving complaints against students where material facts are not in dispute and the alleged misconduct does not constitute a significant policy violation (for example, a single inappropriate comment), the Dean of Students may, at his or her discretion,

determine an appropriate fair and equitable resolution without involvement of the Provost and notify the parties and the Provost of the outcome. In cases involving complaints against faculty or non-student Dunwoody employees where material facts are not in dispute and the alleged misconduct does not constitute a significant policy violation, the Vice President of Human Resources may determine an appropriate fair and equitable resolution and notify the parties of the outcome. The voluntary resolution process will generally not be allowed in cases of sexual assault, domestic violence, dating violence, or stalking.

The College will not compel a complainant or respondent to engage in mediation, to directly confront the other party, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual assault.

In cases where the voluntary resolution process is used, either party may request to end the voluntary process (and return to the formal resolution process below) at any time before completion. The Title IX Coordinator may also choose to end the voluntary process prior to completion. Appeals are not allowed in cases where the parties have agreed to a voluntary alternative resolution of the matter.

## **Investigation**

Following receipt of a complaint, Dunwoody will appoint a trained and impartial investigator to conduct a prompt, equitable, and appropriate investigation of the reported conduct. In most cases, the investigation will be conducted by the Dean of Students, but Dunwoody may, in its discretion, appoint an alternative trained investigator. The parties will receive notice of the investigator appointed. If a party has a concern that the investigator has a conflict of interest, the party should report the concern in writing as set forth in the Conflicts section above. The scope of the investigation will vary, depending on the circumstances of the reported conduct. The investigation will typically involve interviews of the complainant and respondent and may also involve questioning of other witnesses and/or review of other information. The investigator, in his or her discretion, may decline to interview witnesses suggested by the parties and may interview witnesses who were not suggested by either party. Character or reputation evidence is generally considered to be irrelevant and will not be included as part of the investigation. If a party suggests witnesses solely for the purpose of providing general character or reputation evidence, the investigator may choose not to interview witnesses and/or to not include information related to a party's general character/reputation in the investigation report. The complainant and respondent will be given equitable opportunities to present information, including evidence and witnesses they believe should be interviewed, as part of the investigation. The parties may decide when (or when not) to repeat a description of the alleged misconduct and have the right to decline to participate in the complaint resolution procedure.

The parties will be informed of a close of evidence date, after which the parties will not be permitted to submit new or additional evidence, unless the investigator determines otherwise.



At the conclusion of the investigation, the investigator(s) may prepare a report setting forth the facts gathered. The investigator(s) generally will compile an investigation file, which may consist of any information, documents, recordings, or other evidence that are provided to the adjudicators. Such information may include, as applicable: the written complaint, recordings or written records of interviews with the complainant, respondent, and any witnesses, any other evidence obtaining during the investigation, and the investigator's report of the investigation. The investigation file shall be forwarded to the Title IX Coordinator. The Title IX Coordinator or designee(s) will review the investigation file and has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information removed or redacted from the investigation report.

For complaints involving allegations of sexual assault, dating violence, domestic violence or stalking, the investigation file will be made available for review by the complainant and respondent. The Title IX Coordinator will provide a seven (7) calendar day period for the complainant and respondent to have access to review the investigation file and prepare a response to the investigation filed, as discussed below. The parties' review of the investigation file generally will be provided during normal business hours in a designated on-campus location. The investigation file cannot be removed from that location, nor can copies be made or pictures taken of the file contents.

Both parties will have the opportunity to provide a written response to the report. To do so, the party must submit an Initial Written Statement, which shall not exceed 2,000 words in length, to the Title IX Coordinator. The Initial Written Statement must be submitted within seven (7) calendar days after the investigation file becomes available to the complainant and respondent (i.e., at the conclusion of the seven-day review period). The Initial Written Statement may be used as an opportunity to clarify points in the report or identify information previously given to the investigator that is not included in the investigation report which the party believes should have been included. While the parties may be assisted by their advisors in preparation of the Initial Written Statement, the Initial Written Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf.

The parties shall have an opportunity to review the Initial Written Statement submitted by the other party and, if desired, may submit a Rebuttal Written Statement not to exceed 1,500 words. The Rebuttal Written Statement must be submitted within three (3) calendar days after access to the other party's Initial Written Statement is provided. The Rebuttal Written Statement may only be used to respond to arguments made in the other party's Initial Written Statement and must be submitted by the party, must be the party's own statement and may not be used to submit the statements of others on the party's behalf. The parties shall have an opportunity to review the Rebuttal Written Statement submitted by the other party.

The Title IX Coordinator shall review the Initial Written Statements and Rebuttal Written

Statements. Based on the statements, the Title IX Coordinator has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information removed or redacted from the investigation report. In addition, the Title IX Coordinator or designee(s) may remove or redact any portions of the parties' written statements that exceed the permitted scope of the statements as set forth above or that otherwise exceed the scope of information that may be considered in the complaint resolution process (e.g., general character or reputation evidence and evidence relating to the complainant's prior sexual history).

## **Adjudication**

Upon completion of the investigation, the adjudicator(s) of the case will review the investigation file and report, along with the Initial Written Statements and Rebuttal Written Statements of the parties.

- In cases where the complaint is made against a student, the Provost will be the adjudicator of the case.
- In cases where the complaint is made against a non-student employee, the Vice President of Human Resources and any other appropriate member of College leadership ("responsible individual") will be the adjudicators of the case.
  - If a complaint is made against the President of the College, the chair of the Board of Trustees or other designated member of the Board shall serve as the responsible individual.
- In cases where the complaint is made against a party who is not a student and not an employee, the Title IX Coordinator will make a determination regarding the appropriate adjudicator at that time.

In the event the adjudicator(s) requests additional investigation, the parties shall be notified.

The adjudicator(s) will use a preponderance of the evidence standard to determine whether it is more likely than not that the respondent violated the policy and impose remedies and/or sanctions as necessary to end the misconduct, prevent its recurrence, and address its effects. The sanctions issued will depend on the circumstances of the case, including, but not limited to the severity of the misconduct. A complete list of possible sanctions is included in the following section. The adjudicator(s) shall make and issue a written decision within approximately 20 calendar days following the receipt of the investigation file, the investigator's written report, and the Initial Written Statements and Rebuttal Written Statements of the parties.

## **Sanctions and Remedies**

The adjudicator(s) will impose remedies and/or sanctions as necessary to end the misconduct, prevent its recurrence, and address its effects. The College reserves the right to take whatever measures deemed necessary in response to an allegation of sexual misconduct in order to protect the rights and personal safety of the complainant

and Dunwoody community members. Individuals who are found responsible under this policy may face the following sanctions as appropriate for students, employees, visitors, or others:

- verbal warning, written warning, probation, suspension, or expulsion;
- temporary or permanent restricted access to areas of campus, and campus events, activities, organizations or courses;
- temporary or permanent removal from class or residential assignment;
- conditions upon presence on campus or at College events;
- no trespass or no contact orders;
- required attendance at an educational training or meetings;
- writing a reflection paper;
- behavioral contracts;
- required assessment or counseling;
- community service hours;
- loss of salary or benefit such as sabbatical or research or travel funding, suspension of promotion and salary increments, suspension or withdrawal of faculty privileges, removal or non-renewal of scholarships or honors;
- transfer or change of job or responsibilities, demotion, or termination of employment;
- payment of restitution or costs incurred.

Remedies, accommodations, and protective measures for the complainant include implementing or extending remedial or protective measures, including, without limitation, the following examples:

- A mutual or one-sided no-contact order.
- Prohibiting an individual involved from being on Dunwoody property.
- Prohibiting an individual involved from participating in Dunwoody-sponsored events.
- Changing an individual's dining or transportation arrangements
- Assistance in finding alternative housing.
- Changing an individual's student or employee status or job responsibilities.
- Changing an individual's work or class schedule.
- Providing academic accommodations or providing assistance with academic issues.
- Providing security escorts.
- Access to counseling and medical services.
- Making information about orders for protection and harassment restraining orders available to a complainant.
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.

Remedies designed to address the Dunwoody community include increased monitoring, supervision, and/or security at locations or in connection with activities where the prohibited conduct occurred or is likely to reoccur and targeted or broad-based educational programming or training for relevant persons or groups.

## **Notice of Outcome**

The complainant and respondent will receive a written notice of the outcome, by letter or email. The notifications will be sent to the complainant and the respondent at the same time.

For complaints involving sexual assault, dating/intimate partner violence, domestic violence, or stalking, the written notice shall include the determination of the adjudicator(s), any imposition of sanctions, and the rationales for the determination and sanctions. The written notice will also include information about the procedures for appeal, as set forth below, and when the result becomes final. In addition, the written notice shall include any other steps the College has taken to eliminate the conduct and prevent its recurrence and the complainant's written notice will include remedies offered or provided to the complainant.

For all other complaints of sexual misconduct, the written notice shall include the determination of the adjudicator(s). The respondent's written notice shall include any imposition of sanctions and the complainant's written notice shall include any imposition of sanctions that directly relate to the complainant. The written notice will also include information about the procedures for appeal, as set forth below, and when the result becomes final. In addition, the written notice shall include any other steps the College has taken to eliminate the conduct and prevent its recurrence and the complainant's written notice will include remedies offered or provided to the complainant.

The determination of the adjudicator(s) may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision will be final.

## **Appeal**

Either the complainant or the respondent may appeal the results of the formal resolution process on one or more of the following grounds:

- a procedural error occurred that substantially affected the outcome of the process;
- significant newly-discovered evidence that was not previously available to submit during the complaint resolution process may substantially affect the outcome of the process; however, intentional omission of factual information by the appealing party is not a ground for an appeal; or
- the sanction or other response by Dunwoody under the formal resolution process was excessively severe or grossly inadequate.

### Submitting an Appeal

Following the determination, the complainant or respondent may request an appeal of

the decision. The request for an appeal must be in writing, may not exceed 2,000 words, and must be submitted to the Title IX Coordinator within five (5) business days of receiving the notice of outcome. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

The Title IX Coordinator or the Title IX Coordinator's designee will review the appeal to determine whether the appeal states a permissible ground for appeal (as set forth above), such that the appeal will be considered.

The non-appealing party will be notified of the appeal and the alleged grounds for the appeal. The non-appealing party may, if desired, submit a written response to the appeal, not to exceed 2,000 words, to the Title IX Coordinator within seven (7) business days of receiving notice of the appeal.

Appeals will be considered by an appeal panel appointed by the Title IX Coordinator or the Title IX Coordinator's designee. Generally, appeal panels will consist of three trained individuals. The parties shall receive written notice of the appeal officers appointed. If any party has a concern that the appeal officers have a conflict of interest, the party should report the concern in writing as indicated in the Conflicts section above.

### Consideration of Appeal

In an appeal the burden of proof is on the appealing party to show that it is more likely than not that one or more of the above grounds for appeal are satisfied.

The appeal officer will not rehear the case, but will consider whether it is more likely than not that the above-listed grounds for appeal have been satisfied. If the appeal officer determines that the appealing party has demonstrated that it is more likely than not that one of the above grounds for appeal is satisfied, the matter will be remanded for further investigation and/or deliberations by an adjudication panel, as determined by the appeal officer. The appeal officer will determine whether the matter should be remanded to the adjudication panel or whether a new adjudication panel should review the matter. The appeal officer may not change the adjudication panel's determination or imposition of sanctions. Only the adjudication panel reviewing the matter on remand from an appeal may change the determination of the original adjudication panel and modify any of the sanctions previously imposed. If the appeal officer determines that the appealing party has not demonstrated that it is more likely than not that one or more grounds for appeal have been satisfied, the appeals officer will dismiss the appeal. This decision is final and is not appealable.

The appeal officer will issue a written decision to the complainant and respondent stating the appeal officer's findings and the final disposition of the appeal within fifteen (15) business days following receipt of the appeal. The appeal officer will also notify appropriate College administrators, faculty and staff members of the outcome on a

need-to-know basis.

Appeals arising out of alleged violations of this policy must be made under this appeal process and are not eligible for consideration under faculty, staff or student grievance policies or processes.

## **RESOURCES**

### **What To Do If You Are Sexually Assaulted**

- Get to a safe place.
- Call 911 if in immediate danger, if you are injured, or the community is in possible danger.
- Consider securing immediate professional support on or off campus to assist you in the crisis.
- Seek a medical evaluation for personal wellness/testing and possible evidence collection, even if you are uncertain you want to press charges or pursue legal action. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 24 hours, is important in the case of sexual assault. The hospital will arrange for a specific medical examination at no charge.
- Take steps to preserve evidence, which may be necessary to the proof of criminal sexual violence or in obtaining a protection order. It is very important to preserve evidence. You may not know right now whether you will contact the police. But in case you later decide to, the evidence available immediately after the assault is crucial. To preserve evidence follow these recommendations: Prior to seeking medical attention, do not shower, bathe, wash your hands, brush your teeth, use the toilet or clean up in any way. Bring another set of clothes to the hospital since clothes will be collected as part of the evidence. If you have changed clothes, bring your soiled clothing with you for evidence collection. Additionally, you are encouraged to gather bedding, linens or any other pertinent articles that may be used for evidence. Secure them in a clean paper bag or clean sheet. In addition, consider preserving other physical evidence and electronic evidence such as text messages and emails.

- Even after the immediate crisis has passed, contact confidential on-campus and/or off-campus resources—for emotional support, information, and/or advocacy.
- Report the conduct to the Title IX Coordinator at 612-381-8236. The Title IX Coordinator can arrange for interim measures and accommodations, including no contact orders. The College will also assist in any needed advocacy for students who wish to obtain protective or restraining orders with local authorities. Alternatively, you can contact the Minneapolis Police Department or Hennepin County District Court to obtain protective or restraining orders.
- Victims are not required to report an incident to law enforcement authorities, but campus authorities will assist victims who wish to do so.

## **Emergency Contacts**

24-Hour Emergency – Local law enforcement: 911

### **On Campus Resources:**

Carla Pogliano  
 Vice Provost for Program Development and Compliance  
 Title IX Coordinator, Rehabilitation Act Coordinator, and Age Discrimination Act Coordinator  
 612-381-8236  
[cpogliano@dunwoody.edu](mailto:cpogliano@dunwoody.edu)

Patricia Edman  
 Vice President of Human Resources  
 (612) 381-3308  
[pedman@dunwoody.edu](mailto:pedman@dunwoody.edu)

Kelli Sattler  
 Dean of Students  
 (612) 381-3437  
[ksattler@dunwoody.edu](mailto:ksattler@dunwoody.edu)

Dunwoody Student Services Office  
 (612) 374-5800  
[allstaffstudentservices@dunwoody.edu](mailto:allstaffstudentservices@dunwoody.edu)

Dunwoody's Employee Assistance Program:  
 Cigna's Life Assistance Program 24/7  
 1-800-538-3543  
<http://apps.cignabehavioral.com/home.html>

### **Off Campus Resources**

*RAINN (Rape, Assault, and Incest National Network)*  
<https://www.rainn.org/>  
 (800) 656-HOPE

24-hour hotline; free and confidential

*Sexual Offense Services*

St. Paul, Minnesota

<http://www.co.ramsey.mn.us/ph/hs/sos.htm>

(651) 643-3006

24-hour hotline; free and confidential

*Sexual Violence Center*

Minneapolis, Minnesota

[www.sexualviolencecenter.org](http://www.sexualviolencecenter.org)

(612) 871-5111

24-hour hotline; free and confidential

*Domestic Abuse Service Center\**

<http://www.mncourts.gov/district/4/?page=369>

[Hennepin County Government Center](#)

Rm. #A-0650 (lower level)

300 S. 6th Street

Minneapolis, MN 55487

(612)348-5073

\* The Domestic Abuse Service Center is available to help victims of domestic abuse (abuse by a family or household member) obtain orders for protection. In addition, harassment restraining orders are available for other types of harassment and assault. <http://www.mncourts.gov/district/4/?page=763> Victims do not have to report conduct to police to obtain a harassment restraining order. Dunwoody requires all students and employees whose conduct is subject to an order for protection or harassment restraining order to comply with such orders.

*Minnesota Office of Justice, Crime Victims Programs*

<https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/default.aspx>

(Monday - Friday, 8:00 AM – 4:30 PM)

651-201-7300 or 888-622-8799, ext. 1 for financial help

800-247-0390, ext. 3 for information and referral

651-205-4827 TTY

*Resource list for victims:* <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/resource-list-victims.aspx>

*Hennepin County Victim Services*

Hennepin County Attorney's Office

<http://www.hennepinattorney.org/get-help/crime/victim-services>

(612) 348-4003

*Lawhelpmn.org* (Legal information on a variety of sexual assault issues)

<http://www.lawhelpmn.org/issues/abuse-violence-crime-victims-rights/sexual-assault-and-other-crime-victims>

*Walk-In Counseling Center*

(Free Mental health Counseling)

<http://www.walkin.org/> (check website for hours)



[2421 Chicago Avenue S](#)  
Minneapolis, MN 55404  
612-870-0565 x 100

### **Health Care Options**

Hennepin County Medical Center  
Sexual Assault Resources Service  
612-873-5832  
701 Park Avenue  
Orange Building, 2.220  
Minneapolis, MN 55415

Hennepin County Medical Center Sexual Assault Resources Service (SARS) provides assistance to victims of rape and sexual assault through area hospital emergency departments 24 hours a day. SARS counselors meet with victims and their families at HCMC and other participating hospitals to complete the evidentiary exam and to help them cope with the trauma and consequences of the assault.

Sexual Assault Nurse Examiners (SANEs) perform a special exam and collect evidence in a “rape kit.” There is no charge for the SANE exam.

You can have a SANE exam within 120 hours after the rape or sexual assault. The purpose of the SANE exam is to collect forensic evidence, receive preventative health care, and see if you have any physical injuries that need tending. The exam will take place at the sexual assault exam site, in a confidential room with trained staff and volunteers. During the exam, the SANE will collect evidence such as your clothing, DNA swabs, etc. Prior to the exam, preserve all evidence and do not shower, bathe, change clothes, douche, brush teeth, drink or eat, or throw away any clothing until police or medical personnel say it is okay. If you have done any of the above, it is still possible to do an exam, but it is not as effective. So if possible, please try to avoid any of these actions.

### **Visa and Immigration Assistance**

US Citizenship and Immigration Services  
2901 Metro Drive  
Suite 100  
Bloomington, MN 55425

### **Student Financial Aid**

Financial Aid Office: 612-381-3347