

**Reading Hospital School of Health Sciences
Title IX Policy of Nondiscrimination**

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NOTE: At the time of this published policy, the Title IX regulations are under judicial review in multiple states. Should any provision of any part of this policy be later updated or determined to be inconsistent with the 2024 Amendments to Title IX, the provisions of the current Federal regulations shall apply.

Reading Hospital School of Health Sciences

Title IX Policy of Nondiscrimination

Section 1 - Nondiscrimination Policy & Notice of Nondiscrimination

The purpose of Title IX legislation is to ensure 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 educational program or activity receiving Federal financial assistance (Title IX of 20 U.S.C.A §168).”*

RHSHS prohibits discrimination including discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity and expression, age, race, color, national origin, religion, creed, marital status, disability, economic means or veteran status. As such, Reading Hospital School of Health Sciences (RHSHS) does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

RHSHS does not separate or treat any person differently based on sex except in limited specified circumstances permitted by Title IX which when performed subjects the person to no more than de minimis harm. RHSHS also recognizes that preventing a person from participating in an education program or activity (including in sex-separate activities) consistent with their gender identity subjects that person to more than de minimis harm.

To report information about conduct that may constitute sex discrimination or to make a complaint of sex discrimination under Title IX, RHSHS employees and students should contact the RHSHS Title IX Coordinator who will then coordinate the review, investigation, and resolution of all reports to ensure compliance with Title IX policy and procedure. All reports will be handled by designated RHSHS authorities who may choose to work in consultation with Academic Affairs, Human Resources, Risk Management, Security, legal consultants, or external consulting agencies depending on the nature and timing of the complaint.

Individuals may report concerns or questions to the RHSHS Title IX Coordinator. In the extended absence of the stated Title IX Coordinator, individuals may report concerns or questions to the Tower Health VP of Academic Affairs.

RHSHS Title IX Coordinator Contact Information:

Debbie Rahn, EdD, MSN, RN, HCEC
Executive Director, Dean
484-628-0201
Debbie.Rahn@towerhealth.org

In the event of the absence of the above-named Title IX Coordinator, individuals can contact the Assistant Title IX Coordinator:

Robin Hall
Director, Financial Aid and Budget
484-628-0105
robin.hall@towerhealth.org

The scope of the RSHS Title IX Coordinator is limited to RSHS students, employees, or other individuals who are participating or attempting to participate in RSHS education programs or activities. The role of the RSHS Title IX Coordinator is devoted to carrying out the RSHS commitment to providing a positive environment for the entire learning community.

Specific responsibilities include addressing issues of discrimination within the RSHS community and RSHS-sponsored student housing. These responsibilities are defined further as:

- Being knowledgeable and trained to coordinate, investigate, and resolve all reports of discrimination.
- Discussing availability of support measures to the complainant with or without the filing of a formal complaint.
- Considering the wishes of the complainant with respect to support measures.
- Explaining the process of filing a formal complaint.
- Responding to Title IX discrimination in a manner that is not deliberately indifferent, which means in a way that is not clearly unreasonable considering the known circumstances.
- Where appropriate, coordinating investigations with institutional human resources personnel, security forces and local law enforcement.
- Tracking and monitoring of reported incidents.
- Following the sex discrimination grievance process before imposing any disciplinary actions or sanctions that are not supportive measures against the respondent until a final determination that sex discrimination has occurred. Exceptions may occur if deemed necessary by Reading Hospital Human Resources if the respondent is an employee or which if not imposed could result in patient safety issues.
- Retaining student records in accordance with school policy.
- Coordinating annual policy notification and training for students.
- Maintaining and updating the Nondiscrimination Policy (Title IX).

RSHS will offer training to RSHS students and employees. In addition, Title IX information may be provided to individuals who may be likely to receive a complaint, individuals involved as investigators or those involved as decision-makers which may include administrators in Human Resources, Security, Risk Management, Compliance, and Academic Affairs.

Inquiries about Title IX may be referred to the RSHS Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

Note: Prohibited Relationships by Persons of Authority: An employee-student relationship may create actual and perceived conflicts of interests and create the possibility for harassment, bias, exploitation or favoritism. All RHSHS employees, directly or indirectly responsible for prospective and enrolled students, can influence student progress in terms of both their studies and employment in an academic environment. Therefore, it is the policy of RHSHS that physical or romantic relationships between any RHSHS employee and a student or students are prohibited unless the relationship precedes enrollment. This is applicable regardless of the sex/gender of the individual with managerial, supervisory, teaching, evaluation, or advisory authority, and/or the sex/gender of the individual who is managed, supervised, taught, advised, or evaluated in any way. Issues of student consent do not excuse the employee's actions and do not alter the consequences of violation of this policy which forbids such a relationship. Infractions of this policy by employees will be generally handled under conduct/behavioral policies of RHSHS, Reading Hospital or Tower Health.

Reading Hospital School of Health Sciences
Title IX Policy of Nondiscrimination
Section 2 - Nondiscrimination of Parental, Family, Marital Status, Pregnancy or Related
Conditions

It is the goal of RHSHS to treat all students equitably without bias on the basis of sex. Therefore, RHSHS will in good faith not adopt or implement any policy, practice, or procedure concerning a student's current, potential, or past parental, family, or marital status that treats students differently on the basis of sex. RHSHS does not discriminate in its education programs or activities against any student based on the student's current, potential, or past pregnancy or related conditions. RHSHS may allow a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education programs or activities provided RHSHS ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions and by doing so RHSHS is not engaged in prohibited discrimination.

1. Responsibility to provide RHSHS Title IX Coordinator contact and other information.

RHSHS process includes an expectation that when a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student's pregnancy or related conditions, the RHSHS employee will promptly provide that person with the RHSHS Title IX Coordinator's contact information.

2. Specific actions to prevent discrimination and ensure equal access.

RHSHS takes prompt and effective actions to prevent sex discrimination and ensure equal access to the educational program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related condition(s). The Title IX Coordinator is responsible to coordinate these actions.

- a. The Title IX Coordinator must inform the student (and if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related conditions and who has a legal right to act on behalf of the student) of RHSHS obligations and provide access to the RHSHS notice of nondiscrimination policy.
- b. The Title IX Coordinator must coordinate these actions as described in items 3 through 8 below.

3. RHSHS obligations to reasonable modifications for students

- (A) RHSHS will make reasonable modifications to its policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to RHSHS education programs or activities. Each reasonable modification will be based on the student's individualized needs. In determining what modifications

are required, RHSHS will consult with the student. *Note: A modification which RHSHS can demonstrate would fundamentally alter the nature of its education program requirements or activity or creates potential safety concerns for others is not considered to be a reasonable modification.*

- (B) The student has discretion to accept or decline each reasonable modification offered by RHSHS. If a student accepts a reasonable modification offered by RHSHS, then RHSHS must implement that modification.
- (C) Reasonable modifications based on individual RHSHS program requirements may include, but are not limited to:
- breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom;
 - intermittent absences to attend medical appointments;
 - access to online or homebound education;
 - changes in schedule or course sequence;
 - extensions of time for coursework and rescheduling of tests and examinations;
 - allowing a student to sit or stand, or carry or keep water nearby;
 - counseling;
 - changes in physical space or supplies (for example, access to a larger desk or a footrest);
 - elevator access;
 - or other changes to policies, practices, or procedures.
 - *Note: Individuals programs (such as, but not limited to the Medical Imaging and Surgical Technology Programs) may have additional pregnancy modifications and practices available due to safety issues (example: radiation safety).*

4. Voluntary extended absence.

RHSHS will allow the student to voluntarily take an extended absence from a RHSHS education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. When the student returns to the RHSHS education program or activity, the student will be reinstated to the academic status that the student held when the voluntary absence began. Extended absences may impact progression and graduation timetables.

- *Note: Achievement of all course objectives, classroom and grading requirements, and clinical requirements (hours and/or competencies) is essential for successful completion of any course, the eventual success on certification/licensing examinations, and achieving the knowledge, skills, and attributes to assure patient safety. The school is not obligated to alter the expectations, objectives, or requirements of a course to accommodate a student with pregnancy modifications.*

A student whose circumstances prohibit the student from participating in classroom, laboratory, or clinical activities for an extended period of time may be required to withdraw from the course. While the school will attempt to assist individuals to complete their coursework, extended absences due to pregnancy or related conditions which prevent the individual from completing course requirements (such as missing significant classroom or laboratory/clinical/field experience) may require that the individual withdraw from the course. Withdrawal from a course may impact progression and graduation timetables. Decisions regarding course withdrawal are individualized, dependent upon the timing and extent of missed classroom/clinical experiences, and determined with consideration of both patient and student safety and well-being. Decisions regarding involuntary course withdrawal are made by the Program Director in collaboration with the Dean of the school. Students in disagreement with an involuntary course withdrawal or dismissal may appeal the decision through the non-academic grievance process (RSHS Policy 366).

- *Note: Absences exceeding a one year period may impact retention of prior knowledge, skill competency, and student success and thus RSHS may provide advisement to the student regarding strategies for successful completion of the program.)*

5. Lactation space.

RSHS will ensure that the student can access a lactation space, other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

6. Limitation on supporting documentation.

RSHS will not require supporting documentation unless the documentation is necessary and reasonable for RSHS to determine the reasonable modifications to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided the recipient with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs; or when the specific action is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

7. Comparable treatment to other temporary medical conditions.

RHSHS will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy RHSHS administers, operates, offers, or participates in with respect to students admitted to an RHSHS education program or activity. (See RHSHS Policy 316: Extended Absence / Withdrawn Re-enter Status). Supporting documentation may be required by the school or Employee Health when returning to the clinical environment to assure patient safety as described in the RHSHS Temporary Limitations Policy (Policy 321).

8. Certification to participate.

RHSHS cannot require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in an RHSHS class, program, or extracurricular activity unless: (i) The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity; (ii) RHSHS requires such certification of all students participating in the class, program, or extracurricular activity; and (iii) The information obtained is not used as a basis for discrimination prohibited by Title IX and/or this policy.

Nondiscrimination of Parental, Family, Marital Status, Pregnancy or Related Conditions

Non-discrimination: RHSHS is committed to treating all students equitably without bias on the basis of marital status, parental status, or family. Therefore, RHSHS will in good faith not adopt or implement any policy, practice, or procedure concerning a student's current, potential, or past parental, family, or marital status that treats those students differently from the general applicant/student/employee population. RHSHS does not discriminate in its education programs or activities against any student or employee based on current, potential, or past marital status, parental status, or family.

Modifications: While RHSHS welcomes all individuals and will work with individuals to meet their needs, Title IX does not require that RHSHS provide modifications for an individual's parental, family, or marital status.

Reading Hospital School of Health Sciences

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Section 3 (106.45)- Grievance Procedures for Complaints of Sex Discrimination

RHSHS has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education programs or activities, or by the RHSHS Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

RHSHS will treat complainants and respondents equitably.

RHSHS requires that the RHSHS Title IX Coordinator, investigators, and decisionmakers do not have a known or perceived conflict of interest or bias for or against complainants or respondents.

Complaints:

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that RHSHS investigate and make a determination about alleged discrimination under Title IX:

- A “complainant,” may include:
 - A student or employee of RHSHS who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - A person other than a student or employee of RHSHS who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in a RHSHS education program or activity;
 - A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant (such as in the case of a minor); or
 - The RHSHS Title IX Coordinator.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee of RHSHS; or
- Any person other than a student or employee who was participating or attempting to participate in an RHSHS education program or activity at the time of the alleged sex discrimination.

RHSHS may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Supportive Measures:

RHSHS will offer and coordinate free, individualized supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to an RHSHS education program or activity, to protect student and employee safety, to deter sex discrimination, to provide support during an RHSHS Title IX informal resolution process or grievance procedure.

Appropriate supportive measures will be offered when applicable, even if an individual does not wish to file a formal complaint and/or initiate or participate in a grievance process.

Supportive measures may be applied to the extent reasonably available and warranted by the circumstances and may include (but not limited to):

- Changing the complainant's or respondent's living and academic arrangements at RHSHS
- Assistance from the RHSHS System Manager, Academic Support Services/Coordinator of Student Services Coordinator of Student Services or designee in completing housing relocation
- Increased security and monitoring of certain areas on campus
- Providing academic support services, such as tutoring
- Providing alternative course completion options; extension of deadlines
- Rescheduling of exams and assignments
- Change in class schedule, including the ability to transfer course sections if available or withdrawal from a course with no penalty (Note: Withdrawal from courses may impact progression within the curriculum, and may have an impact on)
- Change in work schedule or job assignment
- Mutual restrictions on contact between the parties (an on-campus "no-contact" directive)
- Temporarily limiting an individual's access to certain RHSHS facilities or activities (i.e. alteration of access codes or locks; temporary de-activation or adjustment of badge permissions.)
- Any other measure which can be tailored to the involved parties to achieve the goals of this policy
- Any combination of these measures

Resolution of Complaint of Sex Discrimination:

Following the receipt of a complaint, the Title IX Coordinator will gather sufficient information to determine whether the circumstances meet the definition of Title IX sex-based discrimination

- If those criteria are not met, then the complaint will be dismissed, and resolution will be sought outside of the Title IX process as indicated.
- If the criteria are met, then the process to move forward with the complaint may include:
 - Resolving the complaint using an informal resolution process
 - Resolving the complaint using a formal Title IX grievance process.

A. Dismissal of a Complaint

RHSHS may dismiss a complaint of sex discrimination if:

- RHSHS is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in an RHSHS education program or activity and is not employed by RHSHS;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the RHSHS Title IX Coordinator declines to initiate a complaint, and RHSHS determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- RHSHS determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, RHSHS will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, RHSHS will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then RHSHS will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

RHSHS will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then RHSHS will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following basis:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The RHSHS Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents

generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, RHSHS will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equitably for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has knowledge consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, RHSHS will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the RHSHS Title IX Coordinator to ensure that sex discrimination does not continue or recur within the RHSHS education program or activity.

B. Informal Resolution of Complaint

In lieu of resolving a formal complaint through RHSHS's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. RHSHS will inform the parties in writing of any informal resolution process it offers if determined to be appropriate to the specific circumstances of the complaint. RHSHS will not offer informal resolution to resolve a complaint when such a process would conflict with federal, state, or local law.

An informal resolution may be offered as a means of resolution at any time in the process prior to a final determination [i.e. The informal resolution process is not limited to the beginning of the process and can be considered (and reconsidered) by the parties at any point prior to a final determination.]

Informal resolution may only be attempted if both parties (complainant and respondent) enter the process completely voluntarily. RHSHS will not require the waiver of the right to a formal grievance process as a condition of enrollment or continuing enrollment, or employment or continuing employment. RHSHS will never force, threaten, or require any party, complainant, or respondent, into going into informal resolution.

If informal resolution proceeds, RHSHS will make attempts to ensure that facilitators and all other individuals involved in the informal resolution process are free from bias and conflicts of interest.

Before the initiation of an informal resolution process, RHSHS will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information RHSHS will maintain and whether and how RHSHS could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

At the conclusion of the Informal Resolution of Complaint Process, all parties must agree to the terms, conditions, and/or sanctions established as part of the process.

- If all parties agree in writing that the complaint has been satisfactorily resolved at the informal level, the complaint process will end in which case the parties cannot initiate or resume grievance procedures arising from the same allegations. The complaint is considered resolved and cannot be appealed.
- If agreement of the terms, conditions and/or sanctions are not agreed upon by all parties, the complaint will be escalated to the formal grievance procedure.

C. Title IX Formal Grievance Procedures (Discrimination)

The Title IX regulations provide for three models of formal grievance processes:

- Single Investigator Model
- No Hearing Model
- Live Hearing Model

The use of a particular model is at the sole discretion of RHSHS. While in some circumstances RHSHS may choose to separate the functions of Title IX Coordinator and that of the investigator or decision-maker, it is permitted that the RHSHS Title IX Coordinator may also serve as the investigator and the decisionmaker. This “single

investigator model” is the primary model that will be used for issues arising under the 2024 Amendments to Title IX, specifically 34 C.F.R. 106.45.

RHSHS reserves the ability to change to a “no hearing model” with separate individuals serving in the roles of investigator and decision-maker, or a live hearing model should the Title IX Coordinator believe that the change in model would improve the processes based on the individual circumstances of the complaint such as the nature of the allegation, the number of complainants or respondents, the number of witnesses involved, use of external consultants in the decision-making process, or other facts which could make the single investigator model less effective. If RHSHS chooses to implement a model other than the single investigator model, the parties will be notified in writing.

RHSHS requires that any RHSHS Title IX Coordinator, investigator, or decisionmaker is free from a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

RHSHS presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures. However, RHSHS may temporarily withdraw a student from clinical activities during the investigation, grievance and appeal processes if any alleged behavior presents a potential concern for patient safety, quality, or welfare.

All grievances will be handled by the Title IX Coordinator who may work in consultation with designated RHSHS authorities, Academic Affairs, Human Resources, Risk Management, Security, legal consultants, or external consulting agencies depending on the nature and timing of the complaint.

RHSHS has established the following estimated timeframes for the major stages of the grievance procedures:

- Title IX Coordinator notification is day zero
- The initial gathering of facts to assist with a determination to either investigate or dismiss a complaint will be completed within ten (10) school days per RHSHS academic calendar from the time that the Title IX Coordinator was notified. This may be extended should any parties not be available for consultation during this period of time.
- Determining the process to be used:
 - Informal resolution: The informal resolution process, if deemed appropriate for the situation and agreed to by both parties (complainant and respondent), will commence within the first ten (10) school calendar days following the decision regarding the initial determination to either investigate or dismiss a complaint. This phase of the process (internal resolution) may take up to 60 days to complete and have the agreement of both parties to the final resolution outcomes.
 - Formal Investigation/Resolution: The length of time for a formal investigation and resolution will be dependent upon the complexity of the

situation and the number and availability of involved participants. RHSHS will attempt to commence the investigation phase within 3 weeks (15 school days per the academic calendar) after the decision regarding the initial determination to either investigate or dismiss a complaint. This phase of the process may take up to 60 days to complete.

- Determination: The determination will be rendered within one (1) week (five scheduled school days) after the completion of the formal investigation.
- Appeal: An intent to appeal must be submitted in writing within five (5) scheduled school days following notification of the determination.

RHSHS has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:

- In the event of an inability to complete the process effectively and efficiently within the above established timeframes, the Title IX Coordinator or designee will notify the complainant and respondent in writing regarding a new timeline for completion of the process.
- Reasonable circumstances which may result in a legitimate delay may include but is not limited to issues such as school being out of session, vacations, or inability to access witnesses and parties in a timely manner.

RHSHS will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

RHSHS will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by RHSHS to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless

RHSHS obtains that party's or witness's voluntary, written consent for use in its grievance procedures.

Written Notice of Allegations:

Upon initiation of RHSHS's Title IX grievance procedures for discrimination, RHSHS will notify the parties of the following:

- RHSHS's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation, including peer retaliation, is prohibited. RHSHS will respond to conduct that may reasonably constitute retaliation using the same procedures it uses for other forms of misconduct.
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If RHSHS provides a description of the evidence: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.
- More than one complaint arising from the same set of facts or circumstances may be consolidated.
- RHSHS Policy 334 "Conduct" prohibits knowingly making false statements or knowingly submitting false information during any school academic, clinical, documentation, or process including grievance procedures (page 3).

If, in the course of an investigation, RHSHS decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, RHSHS will notify the parties of the additional allegations.

Investigation:

When a complaint is not dismissed, RHSHS will provide for adequate, reliable, and impartial resolution of complaints of sex discrimination which includes:

- Investigation
- Questioning the Parties and Witnesses by Title IX Coordinator/Investigator/Decision-maker
- Making a Determination of Whether Sex Discrimination Occurred

RHSHS will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on RHSHS—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

RHSHS will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

RHSHS will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

RHSHS will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- RHSHS will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If RHSHS provides a description of the evidence: RHSHS will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- RHSHS will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- RHSHS will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses:

RHSHS will provide a process that enables the Title IX Coordinator/investigator/decision-maker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. A party's or witness's credibility may be assessed by evaluating consistency, agreement with other credible sources, demeanor, bias/motivation, chronology, and inherent plausibility. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The RHSHS process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness. The parties may provide those questions to the investigator who will then raise those questions during one or more individual meetings, including

follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below

(Note: As described, only the investigator is directly asking questions of the involved parties. Thus, there is no direct questioning by the complainant, respondent, nor any accompanying support person or legal representative. Individuals who engage in direct questioning of the participants may be dismissed from the proceedings by the Title IX Coordinator)

- Ensure that efforts to address sex discrimination are equitable by allowing parties, witnesses, and others to participate in grievance procedures without fear that the outcome alone could lead to a determination that false statements were made.
- If audio recording of interviews is used (not required), the investigator will provide each party with an audio or audiovisual recording or a transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

Procedures for the investigator/decisionmaker to evaluate the questions and limitations on questions: The investigator/decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The investigator/decisionmaker will give a party an opportunity to clarify or revise a question that the investigator/decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

Refusal to respond to questions and inferences based on refusal to respond to questions: The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex discrimination occurred based solely on a party's or witness's refusal to respond to such questions.

Determination Whether Sex Discrimination Occurred:

When using the single investigator model for resolution, the Title IX Coordinator will serve as the investigator and decision-maker. Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, RHSHS will:

- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent;
- Use the preponderance of the evidence standard to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the

evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.

- Notify the parties simultaneously in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible basis for the complainant and respondent to appeal, if applicable;

The written documentation will include:

- Information about the policies and procedures that RHSHS used to evaluate the allegations.
- A description of the procedural steps that were taken by RHSHS on the way to getting to that decision.
- A findings of fact section supporting the determination
- Conclusions regarding the application of RHSHS policy to the facts.
- A statement and rationale for the ultimate determination of responsibility, using the preponderance of evidence standard.
- Any disciplinary sanctions that RHSHS will impose on the respondent, and state whether RHSHS will provide remedies to the complainant.
- A statement and rationale for any remedies for the complainant, addressing how those remedies will restore or preserve equal access.
- A statement that the parties have a right to appeal the initial determination regarding responsibility, and the permissible basis for appeal.

RHSHS will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.

If there is a determination that sex discrimination occurred, the RHSHS Title IX Coordinator will (as appropriate):

- Coordinate the provision and implementation of remedies to a complainant and other people RHSHS identifies as having had equal access to RHSHS's education program or activity limited or denied by sex discrimination;
- Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within an RHSHS education program or activity; and
- Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions (additional information below);

The determination regarding responsibility becomes final either on the date that RHSHS provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Disciplinary Sanctions and Remedies:

Following a determination that sex discrimination has occurred, RHSHS may impose disciplinary sanctions.

- RHSHS may impose discipline on a respondent for sex discrimination prohibited by Title IX when there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- RHSHS may impose discipline on a respondent for violation of other RHSHS policies such as, but not limited to, the RHSHS conduct policy.
- If the respondent is an employee at RHSHS, RHSHS may suggest that Reading Hospital/Tower Health impose discipline on a respondent for violation of RHSHS or Reading Hospital/Tower Health employment policies.
- RHSHS will not discipline a party, witness, or others participating in the grievance procedures for making a false statement based solely on the determination whether sex discrimination occurred. However, Title IX regulations permit RHSHS to initiate a disciplinary process under its code of conduct to address false statements as long as there is evidence independent of the determination whether sex discrimination occurred. Evidence developed during the Title IX grievance process may be used in such a disciplinary process. (RHSHS will address issues of making false statements or unauthorized disclosures during any part of the grievance process by any involved party (which may include but is not limited to complainant, respondent, and witnesses) as issues of conduct according to the current Conduct Policy of the RHSHS (and in the case of employees, policies of Reading Hospital/Tower Health).

Student Sanctions

Disciplinary sanctions may include but are not limited to verbal warning, suspension or any discipline up to and including dismissal from RHSHS. RHSHS addresses each determination on an individual basis and reserves the right to impose the disciplinary sanctions.

Employee sanctions

Failure to comply with Reading Hospital or Tower Health behavior or performance expectations may result in disciplinary action. Disciplinary action may include but is not limited to verbal counseling, written warning, suspension or any discipline up to and including termination of employment. Human Resources will address each determination on an individual basis and reserves the right to impose disciplinary sanctions.

RHSHS may also provide remedies, which may include, but are not limited to:

- Providing access to medical, mental health, victim advocacy, and academic support services;
- Implementing a no contact order on the respondent;
- When possible, making adjustments to class schedules and living arrangements so that the respondent and complainant do not share classes, a residence hall, or extracurricular activities.

RHSHS addresses each determination on an individual basis and reserves the right to provide remedies as appropriate.

Appeal of Determinations:

A complainant and/or a respondent may appeal a decision or dismissal of a formal complaint. Letters of appeal must be submitted to the RSHS Title IX Coordinator (or designee) directly, in writing and within five (5) school days of receipt of the hearing decision or dismissal of a formal complaint or the appeal will be deemed denied without further action. Appeals will not involve a full rehearing or a redetermination of the facts of the matter. Appeals will review only whether the determination erred any of the three (3) limited grounds on which an appeal may be filed.

The Scope of Review is as follows:

- (1) Procedural irregularity that affected the outcome of the matter
- (2) New evidence that was not reasonably available at the time the determination regarding responsibility was made has come to light that could affect the outcome of the matter
- (3) The individual providing the appeal provides evidence that the RSHS Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Letters of appeal must specifically state the objection and explain in detail the grounds for appeal. The letter of appeal must include a thorough statement and all facts or evidence which support the appeal.

Note: Any sanctions imposed as a result of the findings of the grievance procedure are stayed/on hold during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above. RSHS may still place restrictions as deemed necessary for the safety of patients, all parties involved in the grievance process, and the RSHS community in general pending the outcome of an appeal.

When one party makes an appeal, the other party will be notified in writing of the appeal filed. This notification will be made by the RSHS Title IX Coordinator (or designee) within 5 business days.

The appeal will be sent by the Title IX Coordinator to the VP of Academic Affairs who may serve as the appellate decision maker or may select a designee. The VP of Academic Affairs will assure that the appellate decision-maker:

1. Has an understanding of Title IX regulations.
2. Will not be the same individual that made a determination or that decided to dismiss a formal complaint.
3. Will not be the same person that was involved with investigating a case or the RSHS Title IX Coordinator.
4. Will not have a conflict of interest or bias against complainants or respondents generally or against the individual complainant or respondent that affected the outcome of the matter.

The appellate decision-maker is charged with reviewing the written determination to ensure that the process was consistent with RHSHS policy and that the decision was not arbitrary or capricious. Any supporting evidence and any other relevant materials may also be reviewed by the appellate decision-maker.

The appellate decision-maker shall first determine whether the appeal properly falls within the Scope of Review. If it has been determined the appeal does not fall within the Scope of Review, the appellate decision-maker shall notify the party that submitted the petition for appeal of that outcome in writing. The appellate decision-maker may elect to resolve the appeal based solely on the written submissions and may consult with the RHSHS Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

The appellate decision maker will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome.

The appellate decision-maker will complete all necessary work within thirty (30) business days or in the event of an exigent circumstance, as determined by the Title IX Coordinator, the Parties will be notified as to the extent of any extended decision timeline.

Once the appellate decision-maker reaches a decision as to the outcome of an appeal, the appellate decision-maker shall issue a written notification describing the result of the appeal and the rationale for the result.

The decision of the appellate decision-maker is final. Once an appeal is decided, further appeals are not permitted.

In cases in which the appeal results in reinstatement to RHSHS or resumption of privileges, all reasonable attempts will be made to restore the respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Record Keeping:

All documentation will be maintained for a minimum of seven (7) years by the RHSHS Title IX Coordinator and/or Reading Hospital Human Resources, whichever is deemed appropriate.

- Records of each notification the RHSHS Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX and records documenting the actions RHSHS took.
- Records of each sexual discrimination investigation, including any determination of responsibility; any audio or audiovisual recordings and any disciplinary sanctions imposed on the respondent; and any remedies provided to the complainant.
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual discrimination; and if RHSHS did not provide supportive measures, the reasons why considering the known circumstances.

- Documentation that RSHS took measures designed to restore or preserve equal access to education activities and programs.
- Records of any appeal and the results of that appeal.
- Records of any informal resolution and the results of that informal resolution.

¹ Should any provision in this section 3 be determined to be inconsistent with the 2024 Amendments to Title IX, specifically 34 C.F.R. 106.45, the provisions of the Federal regulations shall apply.

Reading Hospital School of Health Sciences

Title IX Policy of Nondiscrimination

Section 4 (106.46)- Grievance Procedures for Complaints of Sex-Based Harassment¹

RHSHS has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of sex-based harassment complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the RHSHS Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

- Note: An issue of harassment involving two employees and not involving students can be adjudicated under 106.45. Issues related to harassment involving two or more employees and not involving students as complainants or respondents will be coordinated with TH Human Resources Department.
- When a party is both a student and an employee of a postsecondary institution, the 2024 Title IX amendments require an institution to make a fact-specific inquiry to determine whether the requirements of § 106.46 apply. In making this determination, a postsecondary institution must, at a minimum, consider whether the party's primary relationship with the postsecondary institution is to receive an education and whether the alleged sex-based harassment occurred while the party was performing employment-related work.

RHSHS requires that the RHSHS Title IX Coordinator, investigators, and decisionmakers do not have a known or perceived conflict of interest or bias for or against complainants or respondents.

Resources:

One of the first steps in responding to an incident/complaint of sex-based harassment is to choose how to proceed. Every situation is unique, and individuals react differently. Therefore, individuals have control over the response which best meets their individualized needs. Individuals' wishes and autonomy are respected by giving them the clear choice to file a formal complaint, separate from the right to access resources and supportive measures.

RHSHS is committed to protecting and safeguarding the privacy of all individuals involved in a report of sex-based harassment. Every effort will be made to conduct all responses to a complaint and assess all reports in a private and confidential manner. However, RHSHS's ability to respond and investigate a report of sex-based harassment may be limited due to confidentiality requests from the complainant.

RHSHS will offer confidential and non-confidential resources or assistance to complainants, respondents, employees, and witnesses after receiving notice of sex-based harassment. RHSHS

² Should any provision in this section 4 be determined to be inconsistent with the 2024 Amendments to Title IX, specifically 34 C.F.R. 106.46, the provisions of the Federal regulations shall apply.

will also assist those individuals in identifying and contacting external law enforcement agencies and community resources.

For the purposes of Title IX compliance, confidential and non-confidential resources are:

- **Non-Confidential:** Reports will only be shared with a limited number of individuals on a “need to know” basis. The RHSHS Title IX Coordinator will identify employees who have a legitimate need to know about individual reports pursuant of Family Rights and Privacy Act (FERPA). Non-confidential resources will provide direct support to complainants, respondents, or other students who are involved in reports of sex-based harassment. All information will be shared discreetly to assist in the active review, investigation, and resolution process and for annual reporting of crime statistics under the Clery Act.
- **Confidential:** To maintain confidentiality, reports shared with specific campus or community professionals such as licensed mental health providers, pastoral care or clergy staff, crisis centers, cannot be shared without express permission of the complainant, respondent, or other student unless there is an imminent threat of harm to an individual, or the conduct involves suspected abuse of a minor under the age of 18.

Resources immediately available include:

- Dial 911 in an emergency.
- During a situation of immediate concern or safety, the individual needs to make all attempts to remove herself/himself from the situation.
- Seek assistance from Reading Hospital Campus Security: Emergency 484-628-8222; non-emergency: 484-628-4126. Security officers are trained to respond and assist in all safety emergencies. They will assist with contacting local law enforcement upon request and will notify the agency of the incident and any wishes for the complainant to remain anonymous. Information may also be secured for obtaining a restraining order (PFA) on the individual in question.
- Seek assistance from the Residence Advisor (RA) in student housing who can respond to student emergencies. The RA will connect the complainant or respondent with Reading Hospital Security and the RHSHS Coordinator of Student Services/System Manager, Academic Support Services.
- Seek assistance from Dr. Debbie Rahn, RHSHS Executive Director, Dean and Title IX Coordinator: 484-628-0201 (or in her absence, the Assistant Title IX Coordinator) to assist with availability of supportive measures and review the process of deciding to file a formal complaint.
- Use of off campus room facilities (e.g. local hotel).
- Seek professional and confidential counseling through Tower Health which may include Quest Assistance Program at 1-800-364-6352 or Marvin teletherapy available at [Marvin Sign Up \(meetmarvin.com\)](https://www.meetmarvin.com).
- Seek assistance from Reading Hospital Spiritual Care Department located at Reading Hospital on R1, adjacent to R-Building elevators or by calling 484-628-8210.

Additional Community and Confidential Resources:

Students, faculty, and staff may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention, and assistance with interfacing with the criminal justice system. The following agencies are in the Berks county.

Safe Berks
255 Chestnut Street
Reading, PA 19602
Toll Free: 844-789-7233
Hotline: 610-372-9540
Safe House (Open 24/7)

www.safeberks.org

Berks County Victim Services
Victim/Witness Assistance Unit
Services Center
633 Court Street
5th Floor
Reading, PA 19601
Phone: 610-478-6000
Fax: 610-478-6002
VictimWitness@countyofberks.com

Complaints:

The following people have a right to make a complaint of sex-based harassment, including complaints of sex-based harassment, requesting that RHSHS investigate and make a determination about alleged sex-based harassment under Title IX:

A “complainant,” may include:

- A student or employee of RHSHS who is alleged to have been subjected to conduct that could constitute sex sex-based harassment under Title IX; or
- A person other than a student or employee of RHSHS who is alleged to have been subjected to conduct that could constitute sex sex-based harassment under Title IX at a time when that individual was participating or attempting to participate in RHSHS’s education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The RHSHS Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the RHSHS Title IX Coordinator initiates a complaint.

RHSHS may consolidate complaints of sex-based harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex-based harassment arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Supportive Measures:

RHSHS will offer and coordinate free, individualized supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to an RHSHS education program or activity, to protect student and employee safety, to deter sex-based harassment, to provide support during an RHSHS Title IX grievance procedures or during the informal resolution process.

Appropriate supportive measures will be offered even if an individual does not wish to file a formal complaint and/or initiate or participate in a grievance process.

Supportive measures may be applied to the extent reasonably available and warranted by the circumstances, including:

- Changing the complainant's or respondent's living and academic arrangements at RHSHS
- Assistance from the RHSHS System Manager, Academic Support Services/Coordinator of Student Services or designee in completing housing relocation
- Increased security and monitoring of certain areas on campus
- Providing academic support services, such as tutoring
- Providing alternative course completion options; extension of deadlines
- Rescheduling of exams and assignments
- Change in class schedule, including the ability to transfer course sections if available or withdrawal from a course with no penalty (Note: Withdrawal from courses may impact progression within the curriculum)
- Change in work schedule or job assignment
- Mutual restrictions on contact between the parties (an on-campus "no-contact" directive)
- Temporarily limiting an individual's access to certain RHSHS facilities or activities (i.e. alteration of access codes or locks; temporary de-activation or adjustment of badge permissions.)
- Any other measure which can be tailored to the involved parties to achieve the goals of this policy
- Any combination of these measures

Resolution of Complaint of Sex-Based Harassment

Following the receipt of a complaint, the Title IX Coordinator will gather sufficient information to determine whether the circumstances meet the definition of a Title IX sex-based harassment complaint:

- If the criteria are not met, then the complaint will be dismissed, and resolution will be sought outside of the Title IX process as indicated.

- If the criteria are met, then the process to move forward with the complaint may include:
 - Resolving the complaint using an informal resolution process
 - Resolving the complaint using a formal Title IX grievance process.

Dismissal of a Complaint:

RHSHS may dismiss a complaint if:

- RHSHS is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in an RHSHS education program or activity and is not employed by RHSHS;
- RHSHS obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the RHSHS Title IX Coordinator declines to initiate a complaint, and RHSHS determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex-based harassment under Title IX even if proven; or
- RHSHS determines the conduct alleged in the complaint, even if proven, would not constitute sex-based harassment under Title IX. Before dismissing the complaint, RHSHS will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, RHSHS will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then RHSHS will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

RHSHS will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then RHSHS will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following basis:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The RHSHS Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, RHSHS will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;

- Ensure that the decisionmaker for the appeal has knowledge consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, RHSHS will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the RHSHS Title IX Coordinator to ensure that sex-based harassment does not continue or recur within an RHSHS education program or activity.

A. Informal Resolution of Complaint:

In lieu of resolving a formal complaint through RHSHS's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. RHSHS will inform the parties in writing of any informal resolution process it offers if determined to be appropriate to the specific circumstances of the complaint. RHSHS will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law.

An informal resolution may be offered as a means of resolution at any time in the process prior to a final determination [i.e. The informal resolution process is not limited to the beginning of the process and can be considered (and reconsidered) by the parties at any point prior to a final determination.]

Informal resolution may only be attempted if both parties (complainant and respondent) enter the process completely voluntarily. RHSHS will not require the waiver of the right to a formal grievance process as a condition of enrollment or continuing enrollment, or employment or continuing employment. RHSHS will never force, threaten, or require any party, complainant, or respondent, into going into informal resolution.

If informal resolution proceeds, RHSHS will make attempts to ensure that facilitators and all other individuals involved in the informal resolution process are free from bias and conflicts of interest.

Before the initiation of an informal resolution process, RHSHS will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;

- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information RHSHS will maintain and whether and how RHSHS could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

At the conclusion of the Informal Resolution of Complaint Process, all parties must agree to the terms, conditions, and/or sanctions established as part of the process.

- If all parties agree in writing that the complaint has been satisfactorily resolved at the informal level, the complaint process will end in which case the parties cannot initiate or resume grievance procedures arising from the same allegations. The complaint is considered resolved and cannot be appealed.
- If agreement of the terms, conditions and/or sanctions are not agreed upon by all parties, the complaint will be escalated to the formal grievance procedure.

B. Title IX Formal Grievance Procedures:

The Title IX regulations provide for three models of formal grievance processes:

- Single Investigator Model
- No Hearing Model
- Live Hearing Model

The use of a particular model is at the sole discretion of RHSHS. While in some circumstances RHSHS may choose to separate the functions of Title IX Coordinator and that of the investigator or decision-maker, it is permitted that the RHSHS Title IX Coordinator may also serve as the investigator and the decisionmaker. This “single investigator model” is the primary model that will be used for issues arising under the 2024 Amendments to Title IX, specifically 34 C.F.R. 106.45.

RHSHS reserves the ability to change to a “no hearing model” with separate individuals serving in the roles of investigator and decision-maker, or a live hearing model should the Title IX Coordinator believe that the change in model would improve the processes based on the individual circumstances of the complaint such as the nature of the allegation, the number of complainants or respondents, the number of witnesses involved, use of external consultants in the decision-making process, or other facts which could make the

single investigator model less effective. If RHSHS chooses to implement a model other than the single investigator model, the parties will be notified in writing.

RHSHS requires that any RHSHS Title IX Coordinator, investigator, or decisionmaker is free from a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

RHSHS presumes that the respondent is not responsible for the alleged sex-based harassment until a determination is made at the conclusion of its grievance procedures. However, RHSHS may withdraw a student from clinical activities during the investigation, grievance and appeal processes if any alleged behavior presents a potential concern for patient safety, quality, or welfare.

All grievances will be handled by designated RHSHS authorities who may work in consultation with Academic Affairs, Human Resources, Risk Management, Security, legal consultants, or external consulting agencies depending on the nature of the complaint.

RHSHS has established the following estimated timeframes for the major stages of the grievance procedures:

- Title IX Coordinator notification is day zero
- The initial gathering of facts to assist with a determination to either investigate or dismiss a complaint will be completed within ten (10) school days per RHSHS academic calendar from the time that the Title IX Coordinator was notified. This may be extended should any parties not be available for consultation during this period of time.
- Determining the process to be used:
 - Informal resolution: The informal resolution process, if deemed appropriate for the situation and agreed to by both parties (complainant and respondent), will commence within the first ten (10) school calendar days following the decision regarding the initial determination to either investigate or dismiss a complaint. This phase of the process (internal resolution) may take up to 60 days to complete and have the agreement of both parties to the final resolution outcomes.
 - Formal Investigation/Resolution: The length of time for a formal investigation and resolution will be dependent upon the complexity of the situation and the number and availability of involved participants. RHSHS will attempt to commence the investigation phase within 3 weeks (15 school days per the academic calendar) after the decision regarding the initial determination to either investigate or dismiss a complaint. This phase of the process may take up to 60 days to complete.
 - Determination: The determination will be rendered within one (1) week (five scheduled school days) after the completion of the formal investigation.

- Appeal: An intent to appeal must be submitted in writing within five (5) scheduled school days following notification of the determination.

RHSHS has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay.

- In the event of an inability to complete the process effectively and efficiently within the above established timeframes, the Title IX Coordinator or designee will notify the complainant and respondent in writing regarding a new timeline for completion of the process.
- Reasonable circumstances which may result in a legitimate delay may include but is not limited to issues such as school being out of session, vacations, or inability to access witnesses in a timely manner.

RHSHS will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

RHSHS will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by RHSHS to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless RHSHS obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is

evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations:

Upon initiation of these Title IX grievance procedures, RHSHS will notify the parties in writing of the following with sufficient time for the parties to prepare a response:

- RHSHS's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation, including peer retaliation, is prohibited. RHSHS will respond to conduct that may reasonably constitute retaliation using the same procedures it uses for other forms of misconduct.
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney; The role of this individual is support for the complainant or respondent and does not have authority to verbally participate in the grievance process by asking questions of either involved party.
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence. If RHSHS provides access to an investigative report: The parties are entitled to an equal opportunity to access the relevant and not impermissible evidence upon the request of any party;
- More than one complaint arising from the same set of facts or circumstances may be consolidated.
- RHSHS Policy 334 "Conduct" prohibits knowingly making false statements or knowingly submitting false information during any school academic, clinical, documentation, or process including grievance procedures.

If, in the course of an investigation, RHSHS decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

Investigation:

When a complaint is not dismissed, RHSHS will provide for adequate, reliable, and impartial resolution of complaints of sex-based harassment which includes:

- Investigation
- Questioning the Parties and Witnesses by Title IX Coordinator/Investigator/Decision-maker
- Making a Determination of Whether Sex-Based Harassment Occurred

The burden is on RHSHS—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex-based harassment occurred.

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

RHSHS will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- RHSHS will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- RHSHS may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

RHSHS will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

RHSHS will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

RHSHS will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

RHSHS will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- RHSHS will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. If RHSHS provides access to an investigative report: RHSHS will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

- RSHS will provide a reasonable opportunity to review and respond to the evidence or the investigative report.
- RSHS will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Questioning the Parties and Witnesses:

RSHS will provide a process that enables the Title IX Coordinator/investigator/decision-maker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. A party's or witness's credibility may be assessed by evaluating consistency, agreement with other credible sources, demeanor, bias/motivation, chronology, and inherent plausibility.

The RSHS process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below;

(Note: As described, only the investigator is directly asking questions of the involved parties. Thus, there is no direct questioning by the complainant, respondent, nor any accompanying support person or legal representative. Individuals who engage in direct questioning of the participants may be dismissed from the proceedings by the Title IX Coordinator)

- Ensure that efforts to address sex-based harassment claims are equitable by allowing parties, witnesses, and others to participate in grievance procedures without fear that the outcome alone could lead to a determination that false statements were made.
- If audio recording of interviews is used (not required), the investigator will provide each party with an audio or audiovisual recording or a transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

Procedures for the decisionmaker to evaluate the questions and limitations on questions: The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as

not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

Refusal to respond to questions and inferences based on refusal to respond to questions: The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Determination Whether Sex-Based Harassment Occurred:

When using the single investigator model for resolution, the Title IX Coordinator will serve as the investigator and decision-maker. Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, RHSHS will:

- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent;
- Use the preponderance of the evidence standard to determine whether sex-based harassment occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex-based harassment occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex-based harassment occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 - A description of the alleged sex-based harassment;
 - Information about the policies and procedures that RHSHS used to evaluate the allegations;
 - The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
 - When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions RHSHS will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by RHSHS to the complainant, and, to the extent appropriate, other students identified by RHSHS to be experiencing the effects of the sex-based harassment; and
 - RHSHS's procedures and permissible basis for the complainant and respondent to appeal.

RHSHS will not impose discipline on a respondent for sex-based harassment prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex-based harassment.

If there is a determination that sex-based harassment occurred, the RHSHS Title IX Coordinator will (as appropriate):

- Coordinate the provision and implementation of remedies to a complainant and other people RHSHS identifies as having had equal access to an RHSHS education program or activity limited or denied by sex-based harassment;
- Take other appropriate prompt and effective steps to ensure that sex-based harassment does not continue or recur within RHSHS's education program or activity.
- Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and

RHSHS will not discipline a party, witness, or others participating in the grievance procedures for making a false statement based solely on the determination whether sex-based harassment occurred.

Title IX regulations permit RHSHS to initiate a disciplinary process under its code of conduct to address false statements as long as there is evidence independent of the determination whether sex-based harassment occurred. Evidence developed during the Title IX grievance process may be used in such a disciplinary process. (RHSHS will address issues of making false statements or unauthorized disclosures during any part of the grievance process by any involved student (which may include but is not limited to complainant, respondent, and witnesses) as issues of conduct according to the current Conduct Policy of the RHSHS.

The determination regarding responsibility becomes final either on the date that RHSHS provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment has occurred, RHSHS may impose disciplinary sanctions.

- RHSHS may impose discipline on a respondent for sex-based harassment prohibited by Title IX when there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex-based harassment
- RHSHS may impose discipline on a respondent for violation of other RHSHS policies such as, but not limited to, the RHSHS conduct policy.
- If the respondent is an employee at RHSHS, RHSHS may suggest that Reading Hospital/Tower Health impose discipline on a respondent for violation of RHSHS or Reading Hospital/Tower Health employment policies.
- RHSHS will not discipline a party, witness, or others participating in the grievance procedures for making a false statement based solely on the determination whether sex discrimination occurred. However, Title IX regulations permit RHSHS to initiate a disciplinary process under its code of conduct to

address false statements as long as there is evidence independent of the determination whether sex discrimination occurred. Evidence developed during the Title IX grievance process may be used in such a disciplinary process. (RSHS will address issues of making false statements or unauthorized disclosures during any part of the grievance process by any involved party (which may include but is not limited to complainant, respondent, and witnesses) as issues of conduct according to the current Conduct Policy of the RSHS (and in the case of employees, policies of Reading Hospital/Tower Health).

Student Sanctions

Disciplinary sanctions may include but are not limited to verbal warning, suspension or any discipline up to and including dismissal from RSHS. RSHS may choose to withdraw a student from clinical activities or courses if any alleged behavior presents a potential concern for patient safety, quality, or welfare. RSHS addresses each determination on an individual basis and reserves the right to impose the disciplinary sanctions.

Employee sanctions

Failure to comply with Reading Hospital or Tower Health Behavior or performance expectations will result in disciplinary action. Disciplinary action may include but is not limited to verbal counseling, written warning, suspension or any discipline up to and including termination of employment. RSHS and Human Resources will address each determination on an individual basis and reserves the right to impose disciplinary sanctions.

RSHS may also provide remedies, which may include, but are not limited to:

- Providing access to medical, mental health, victim advocacy, and academic support services;
- Implementing a no contact order on the respondent;
- When possible, making adjustments to class schedules and living arrangements so that the respondent and complainant do not share classes, a residence hall, or extracurricular activities.

RSHS addresses each determination on an individual basis and reserves the right to provide remedies as appropriate.

Appeal of Determination:

A complainant and/or a respondent may appeal a decision or dismissal of a formal complaint.

Letters of appeal must be submitted to the RSHS Title IX Coordinator (or designee) directly, in writing and within five (5) school days of receipt of the hearing decision or dismissal of a formal complaint or the appeal will be deemed denied without further action. Appeals will not involve a full rehearing or a redetermination of the facts of the matter. Appeals will review only whether the determination erred any of the three (3) limited grounds on which an appeal may be filed.

The Scope of Review is as follows:

- (1) Procedural irregularity that affected the outcome of the matter
- (2) New evidence that was not reasonably available at the time the determination regarding responsibility was made has come to light that could affect the outcome of the matter
- (3) The individual providing the appeal provides evidence that the RSHS Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Letters of appeal must specifically state the objection and explain in detail the grounds for appeal. The letter of appeal must include a thorough statement and all facts or evidence which support the appeal.

Note: Any sanctions imposed as a result of the findings of the grievance procedure are stayed/on hold during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above. RSHS may still place restrictions as deemed necessary for the safety of patients, all parties involved in the grievance process, and the RSHS community in general pending the outcome of an appeal.

When one party makes an appeal, the other party will be notified in writing of the appeal filed. This notification will be made by the RSHS Title IX Coordinator (or designee) within 5 business days.

The appeal will be sent by the Title IX Coordinator to the VP of Academic Affairs who may serve as the appellate decision maker or may select a designee. The VP of Academic Affairs will assure that the appellate decision-maker:

- Has an understanding of Title IX regulations.
- Will not be the same individual that made a determination or that decided to dismiss a formal complaint.
- Will not be the same person that was involved with investigating a case or the RSHS Title IX Coordinator.

- Will not have a conflict of interest or bias against complainants or respondents generally or against the individual complainant or respondent that affected the outcome of the matter.

The appellate decision-maker for an appeal is charged with reviewing the written determination to ensure that the process was consistent with RHSHS policy and that the decision was not arbitrary or capricious. Any supporting evidence and any other relevant materials may also be reviewed by the appellate decision-maker.

The appellate decision-maker shall first determine whether the appeal properly falls within the Scope of Review. If it has been determined the appeal does not fall within the Scope of Review, the appellate decision maker shall notify the party that submitted the petition for appeal of that outcome in writing. The appellate decision maker may elect to resolve the appeal based solely on the written submissions and may consult with the RHSHS Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

The appellate decision maker will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome.

The appellate decision-maker will complete all necessary work within thirty (30) business days or in the event of an exigent circumstance, as determined by the Title IX Coordinator, the Parties will be notified as to the extent of any extended decision timeline.

Once the appellate decision maker reaches a decision as to the outcome of an appeal, the decision maker shall issue a written notification describing the result of the appeal and the rationale for the result.

The decision of the appellate decision maker is final. Once an appeal is decided, further appeals are not permitted.

In cases in which the appeal results in reinstatement to RHSHS or resumption of privileges, all reasonable attempts will be made to restore the respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Record Keeping:

In order to provide equitable and confidential handling of all Title IX formal complaints and resolutions at RHSHS, the RHSHS Title IX Coordinator will follow specific documentation, filing, and retention of all reports and supplemental documentation related to the RHSHS Title Policy.

All documentation will be maintained for a minimum of seven (7) years by the RHSHS Title IX Coordinator and/or Reading Hospital Human Resources, whichever is deemed appropriate.

- Records of each notification the RHSHS Title IX Coordinator receives of information about conduct that reasonably may constitute sex-based harassment under Title IX and records documenting the actions RHSHS took.
- Records of each sex-based harassment investigation, including any determination of responsibility; any audio or audiovisual recordings and any disciplinary sanctions imposed on the respondent; and any remedies provided to the complainant.
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sex-based harassment; and if the School or hospital did not provide supportive measures, the reasons why considering the known circumstances.
- Documentation that RHSHS took measures designed to restore or preserve equal access.
- Records of any appeal and the results of that appeal.
- Records of any informal resolution and the results of that informal resolution.

Reading Hospital School of Health Sciences

Title IX Policy of Nondiscrimination

Section 5 - Appendix: Definitions

Complaint means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Complainant means:

1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

Confidential vs. nonconfidential employee

Confidential employee - (does not apply to any RHSHS employees) is an employee who is not required to make a report to the Title IX office and will typically not share information without permission. However, they may be required or allowed to share information in certain circumstances

Nonconfidential employee - (applies to all RHSHS employees) All RHSHS employees have the duty to report to the Title IX Coordinator when they become aware that students have been the victim of sexual assault, relationship violence, stalking, sexual harassment or sexual discrimination.

De Minimis Harm is a legal principle which allows for matters that are small scale or of insufficient importance to be exempted from a rule or requirement.

Disciplinary sanctions means consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

Parental status means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

- (1) A biological parent;
- (2) An adoptive parent;
- (3) A foster parent;
- (4) A stepparent;
- (5) A legal custodian or guardian;

- (6) In loco parentis with respect to such a person; or
 - (7) Actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- Title IX and the final regulations do not override any legal right of a parent, guardian, or other authorized legal representative to act on behalf of a complainant, respondent, or other person.

Party means a complainant or respondent.

Peer retaliation is retaliation by a student against another student.

Pregnancy or related conditions Pregnancy and related conditions are defined as pregnancy, false pregnancy, childbirth, termination of pregnancy, or lactation, as well as medical conditions related to any of the above, as well as recovery from any of the above conditions.

Prohibited Relationships by Persons of Authority: Physical or romantic relationships between RSHS employees and students are prohibited unless the relationship precedes enrollment. This is applicable regardless of the sex/gender of the individual with managerial, supervisory, teaching, evaluation, or advisory authority, and/or the sex/gender of the individual who is managed, supervised, taught, advised, or evaluated in any way.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

Respondent means a person who is alleged to have violated the recipient's prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. *Quid pro quo harassment.* An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
2. *Hostile environment harassment.* Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in the recipient's education program or activity; or
3. *Specific offenses.* The following definitions include examples of prohibited conduct, but is not meant to be an all-inclusive list of offences. Title IX regulations define a sex-based hostile environment as inclusive of any conduct that is unwelcome, subjectively and/or objectively offensive, and so severe or pervasive that it limits or denies participation in or benefit from an education program or activity, regardless of the view a person expresses or the perspective the person takes when engaging in that conduct.

a. Assault:	Sexual assault refers to an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation; Alcohol and Drugs -Drug facilitated assault occurs when alcohol and/or drugs are used to compromise an individual's ability to consent to sexual activity. Additionally, an individual who has consumed alcohol and/or drugs still has a responsibility to obtain consent for any sexual activity with another individual. The use of alcohol or drugs will never be accepted as an excuse for failing to obtain consent.
b. Coercion	Coercion includes the use of pressure and/or threat, including emotional distress, which results in fear or a potential harm or causes an individual to engage in unwelcome sexual activity.
c. Consent:	Sexual activity requires consent, which is defined as clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity. Consent cannot be inferred from the absence of a "no"; a clear "yes", verbal or otherwise, is necessary. Although consent does not

	<p>need to be verbal, verbal communication is the most reliable form of asking for and gauging consent, and individuals are thus urged to seek consent in verbal form. Talking with sexual partners about desires and limits may seem awkward, but serves as the basis for positive sexual experiences shaped by mutual willingness and respect.</p> <p>Consent must be clear and unambiguous for each participant throughout any sexual encounter. Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply ongoing or future consent. Consent can be revoked at any time. For all of these reasons, sexual partners must evaluate consent in an ongoing fashion and should communicate clearly with each other throughout any sexual encounter.</p> <ul style="list-style-type: none"> i. Statement on Force, Coercion, Incapacitation, Alcohol and Drugs- Consent cannot be obtained by force, coercion, and incapacitation, alcohol or drugs. Agreement given under any of those conditions does not constitute consent. ii. Incapacitation -Incapacitation is a state in which an individual is unable to give consent, because they are mentally and/or physically helpless and cannot make a rationale or reasonable decision or fully understand the consequences of their actions. For example, consent cannot be obtained from someone who is asleep or otherwise incapacitated whether due to alcohol, drugs, or some other condition
d. Dating violence	<p>Dating Violence can be defined as a form of violence committed by a person:</p> <ul style="list-style-type: none"> i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors: <ul style="list-style-type: none"> a) The length of the relationship; b) The type of relationship; and c) The frequency of interaction between the persons involved in the relationship;
e. Domestic violence	<p>Domestic violence is a pattern of abusive behavior in which an individual establishes and maintains power and control over</p>

	<p>another with whom she/he has or has had an intimate, romantic, or family relationship. This includes but is not limited to actual or threatened physical or sexual abuse, psychological abuse, social isolation, deprivation, and intimidation. Indicators (high risk criteria) of Domestic Violence:</p> <ul style="list-style-type: none"> i. History or incident not consistent with the kind of injury. ii. Delays between time of injury and time of presentation for treatment. iii. History of previous abuse. iv. Injuries occurring during pregnancy. v. History of drug and alcohol abuse. vi. Multiple healing injuries of different ages. vii. Overly aggressive partner that refuses to leave them alone viii. Evidence of sexual abuse. <p>Domestic Violence may constitute a felony or misdemeanor crime committed by a person who:</p> <ul style="list-style-type: none"> i. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim; ii. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; iii. Shares a child in common with the victim; or iv. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction;
f. Force	Force includes the use of threat or physical violence or intimidation to overcome an individual's freedom to choose to participate in sexual activity.
g. Rape	<p>The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim</p> <ul style="list-style-type: none"> i. Forcible Rape: Sexual act which is forcible and/or against the person's will, or not forcibly or against the persons will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). ii. Non-forcible rape: Incest and statutory rape. iii. Statutory rape – Non-forcible sexual intercourse with a person who is under the age of consent.

h. Sexual Exploitation	An act committed through non-consensual abuse or exploitation of an individual's sexuality for the purpose of personal gratification, financial gain, or other non-legitimate purpose. This includes, but is not limited to, the following: photographing, video/audio taping and distributing of recording and/or images without consent.
i. Sexual Offense	Sexual offense is a broad term including rape or acquaintance rape, is any act directed against another person, regardless of age, forcibly or non-forcibly and/or against that person's will including taking advantage of someone who is under the influence of alcohol, drugs, and/or prescribed medication.
j. Sodomy	Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against that person's will where the victim is incapable of giving consent due to his/her youth, or because of his/her temporary or permanent mental or physical incapacity. Forcible Fondling – Touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or, not forcibly or against the person's will where the victim is incapable of giving consent due to his/her youth, temporary or permanent mental or physical incapacity. Sexual Assault with an Object – Use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal openings of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth, or temporary or permanent mental or physical incapacity
k. Stalking	Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: <ul style="list-style-type: none"> a. Fear for the person's safety or the safety of others; or b. Suffer substantial emotional distress
l. Voyeurism	An act of observing an individual engaging in sexual contact or activity or in a state of undress, without their knowledge or consent.

Sex-Based Hostile Environment: the final regulations' definition of hostile environment sex-based harassment applies to conduct that is unwelcome, subjectively and objectively offensive, and so severe or pervasive that it limits or denies participation in or benefit from an education

program or activity, regardless of the view a person expresses or the perspective the person takes when engaging in that conduct.

Student with a Disability The ADA defines a person with a disability as a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. (<https://www.ada.gov/pubs/adastatute08.pdf>)

Supportive Measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

1. Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
2. Provide support during the recipient's grievance procedures or during an informal resolution process.