



Title IX Policy

Revised April 13, 2021

Preamble

[Title IX](#)

II. General Definitions Used in This Policy

The following definitions apply where the defined terms are used in this policy, regardless of whether the terms have a different meaning in other contexts.

Actual Knowledge: Notice of Sexual Harassment or allegations of Sexual Harassment to the Title IX Coordinator or an Official with Authority (defined below) to institute corrective measures.

Complainant: An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

Consent: Consent is defined here as conscious, relevantly informed, and fully voluntary agreement to, or permission for, an act.

Education Program or Activity: Locations, events, or circumstances over which the college exercised substantial control over both the Respondent and the context in which Sexual Harassment occurs; includes any building owned or controlled by a student organization that is officially recognized by the college.

Formal Complaint: A document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent, requesting that the school investigate the allegation of Sexual Harassment.

Officials with Authority: Certain representatives of the college who are able to institute corrective measures in response to a report of Sexual Harassment. The college has designated the following as Officials with Authority:

- President and Vice Presidents
- Deans (not inclusive of Associate or Assistant Deans)
- Director of Community Safety
- Title IX Coordinator and Deputy Title IX Coordinators

Reasonable Person: A hypothetical person in a similar position as the Complainant, such that the ages, abilities, identities, and relative positions of authority of the individuals involved in an incident will be taken into account.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Supportive Measures: Individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to a Complainant or Respondent while designed to ensure equal educational access, protect safety, or deter Sexual Harassment. Supportive Measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, and other similar measures.

III. Prohibited Behaviors

The following behaviors are prohibited by this policy:

Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:

- An instance of a Reed employee conditioning the provision of an aid, benefit, or service of Reed College on an individual's participation in unwelcome sexual conduct (quid pro quo);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Reed's education program or activity; or
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See the [Title IX Coordinator Resource Page](#) for more information on reporting, including anonymous reporting options.

V. Confidential Resources

Students who are unsure whether they want to file a Formal Complaint may undertake confidential discussions with a counselor in the Health & Counseling Center, a SHARE advocate, or the Program Director for Sexual Health, Advocacy, and Relationship Education. Faculty and staff may undertake confidential discussions with a counselor through the Employee Assistance Program or with the Program Director for Sexual Health, Advocacy, and Relationship Education.

VI. Response Procedures

When the college has Actual Knowledge that Sexual Harassment has occurred in its education program or activity against a person in the United States, the college will offer Complainant Supportive Measures and will describe the process for filing a Formal Complaint.

When the college receives a Formal Complaint, it will provide notice to both Complainant and Respondent, may offer Supportive Measures to both Complainant and Respondent, and will initiate a prompt and equitable grievance process, including an investigation and a live hearing.

In situations where the college believes that a Respondent poses an immediate threat to the physical health or physical safety of any student or other individual before an investigation into Sexual Harassment allegations concludes (or where no grievance process is pending), the college may remove the Respondent from the college's education programs or activities pending the outcome of an investigation and/or grievance procedure. A Respondent who has been removed may challenge their removal immediately after the removal. Instructions regarding the appeal of such a removal will be provided at the time of the removal.

VII. Formal Complaints

For the purposes of this policy, a Formal Complaint is a document filed by (1) a Complainant with the Title IX Coordinator or (2) signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent, requesting that the college investigate the allegation of Sexual Harassment.

At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the college education program or activity.

The Title IX Coordinator has discretion to file a Formal Complaint if they have Actual Knowledge of alleged Sexual Harassment, even if the Complainant does not wish to move forward with a Formal Complaint.

While there is no requirement that the Formal Complaint contain a detailed statement of facts, a Formal Complaint is required to initiate a Title IX investigation by the college.

The Title IX Coordinator has discretion to consolidate Formal Complaints of Sexual Harassment where the allegations of Sexual Harassment arise out of the same facts or circumstances.

In certain circumstances, the college must or may dismiss Formal Complaints. A dismissal does not necessarily preclude the college from taking action under the Discriminatory Harassment and Sexual Misconduct Policy, another policy, process, or procedure, or preclude consideration of additional information that becomes available after dismissal.

Mandatory dismissal: Dismissal of a Formal Complaint is mandatory where the allegations, if true, would not meet the Title IX jurisdictional conditions (meet the

Normally, the college will not impose disciplinary sanctions for the other policy violation(s), provided those violations did not put the health and safety of any other person at risk. The Title IX Coordinator is responsible for determining whether amnesty applies in any given circumstance.

XI. Standard of Evidence

The standard of evidence used to determine responsibility for Title IX violations is the preponderance of the evidence standard (more likely than not).

XII. Retaliation

Retaliation is prohibited by Title IX, state law and by this policy. No one at the college may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing.

Complaints alleging retaliation may be filed according to the grievance procedures outlined in this Title IX policy.

XIII. Records

As required under Title IX regulations, the College maintains records of all reports, complaints, supportive measures, investigations, evidence, informal resolutions, hearings, hearing records, hearing outcomes, sanctions, remedies, and appeals governed by this policy. Such records will be maintained by the Title IX Coordinator for a period of at least 7 years after the last Complainant or Respondent graduates, leaves employment of the College, or otherwise is no longer engaged in a College program or activity. Records are accessible only to the extent permissible under applicable records confidentiality and disclosure laws, including FERPA and the Clery Act.

The College also maintains all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process for a period of at least seven years. These materials are available on the College's website, as required under Title IX regulations.

XIV. External remedies

This Title IX Policy and its grievance processes supplement, and do not replace, other remedies that may be available for acts which constitute violations of this policy. Students, faculty and staff have the option at all times to file a criminal complaint with law enforcement or to seek a civil remedy, in addition to or in place of using college's procedures.

Individuals also have the right to file a complaint related to Title IX with the United States Department of Education:

U.S. Department of Education

Office for Civil Rights

Lyndon Baines Johnson Department of Education Bldg

