Title IX Policy for Students

I. Notice of Non-Discrimination
II. Skidmore College Statement of Sexual Values
III. Scope of this Policy
IV. Statement of Privacy and Confidentiality
V. Terminology
VI. Student Bills of Rights
VII. Prohibited Conduct (As Defined By Title IX)
VIII. Confidential & Support Resources
IX. Reporting SGBM
X. Requesting Confidentiality/No Further Action
XI. Informal Resolution
XII.

I. Notice of Non-Discrimination

Skidmore College does not discriminate on the basis of sex, including sexual orientation and gender identity, in its educational, co-curricular, athletic, or other programs or in the context of admissions or employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Skidmore College, as an educational community, will promptly and equitably respond to all reports of sexual and gender-based misconduct in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community

Please note that the scope of this Policy is limited to forms of sexual and gender-based misconduct (SGBM), specifically Sex discrimination, which includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, and Sex-based harassment, which includes sexual assault, domestic violence, dating violence, and stalking) as defined in the 2024 final Title IX regulations, 34 CFR Part 106, as released on April 19, 2024 by the United States Department of Education.

This policy may also refer to Title IX Sex discrimination or Title IX Sex-based harassment collectively as "sexual and gender-based misconduct" or "SGBM".

While other College policies may govern

community have the right to be free from all forms of abuse, assault, harassment, and coercive conduct, including sexual and gender-based misconduct. Skidmore College considers sexual and gender- based misconduct to be one of the most serious violations of the values and standards of the College. Unwelcome sexual contact of any form is a violation of students' personal integrity and their right to a safe environment and therefore violates Skidmore's values. Skidmore College will not tolerate sexual or gender-based misconduct in any form. Sexual and gender-based misconduct is also prohibited by federal regulations. In accordance with Title IX, Skidmore College does not discriminate on the basis of sex, including sexual orientation and gender identity, in any of its programs and activities.

Skidmore recognizes that part of students' development at the College may include learning and understanding themselves as sexual individuals. Skidmore also respects and upholds the unde t notuu -2 1.3(om)-2 (ee)4 (a)4 (l)-2 (s)efor vinvi slvenclxp(bi)-2 (l)-2 (svi)-2 a (snpl)-2 onment aohe Coo

- *Cultural Awareness and Respect:* The Skidmore College community is a multicultural educational environment where the customs, values and identities of each individual are respected. Although the College's standards regarding behavioral expectations and guidelines apply to all individuals, each person should recognize and respect the variations in the cultural expectations of others and demonstrate civility while engaging in open communication regarding sexual desires and boundaries.

III. Scope of this Policy

All members of the Skidmore College community have an obligation to act responsibly in the realm of sexuality, gender, and relationships, to recognize and challenge any sexual and/or gender-based misconduct, and to adhere to College policies and local, state, and federal law.

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extent provided in this policy. Outside of the hearing, this includes but is not limited to in-person meetings, phone conversations, email, or any other forms of electronic or written communication with College personnel.

Parties have the right to consult with and engage an attorney as their Advisor of Choice, at their own expense with an exception noted below. As with any other Advisor of Choice, an attorney will not be permitted to speak or communicate on behalf of the student they are advising as described in the paragraph above except during the hearing.

As described more fully below, at the hearing, each party's Advisor of Choice is permitted to pose to the Adjudicator questions for the Adjudicator to consider asking the other party or parties and any witnesses all relevant questions and follow-up questions, including those challenging credibility. All such cross-examination questions provided and worded to the Adjudicator in a respectful, non-intimidating and non-abusive fashion. Such cross-examination at the live hearing must be conducted directly from the advisor to the Adjudicator using the designated online platform.

Please note that once a question has been posed to the Adjudicator to ask, the Adjudicator will ul.46 0 Td[(at)-6 (634 (c)4 (a)4 (t)-A)26 0 Td[d6 A wk, 0 Td( )Tj[((a)4 ((y)20 (w)2 2 (c)4 (e)4 ( )3 (t)-2 (oduc)4

characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex discrimination is different treatment with respect to an individual's employment or participation in an education program or activity based, in whole or in part, upon the individual's actual or perceived sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy. Sex discrimination can take two primary forms, not including sex-based harassment:

- ***Disparate Treatment***
  Any intentional differential treatment of a person or persons that is based on an individual's actual or perceived sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity and that:

  - Excludes an individual from participation in;
  - Denies the individual benefits of; or x ***Disparate TrI(4 (n)4 (aw)*** ***pes-7.4Aniactereoexpival***

Any sexual act directed against another person, without consent of the victim, including

physical violence, sexual violence, emotional violence, and economic abuse. Such violence may take the form of threats, assault, property damage, or violence or threat of violence to one's self, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner:

- Emotional Abuse may also be a form of Dating Violence and can include, but is not limited to, acts of coercion, threat, intimidation, isolation or other forms of behaviors and communications which, taken together, systematically control, manipulate and/or exploit the other by undermining their confidence, identity, dignity, self-worth, capacity to grow, trust, and/or their emotional stability.

Domestic Violence

A felony or misdemeanor crime of violence committed—

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Please note that in order for an alleged Domestic Violence incident to be investigated under the policy, the relationship between the Complainant and Respondent must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have a relationship or status as described above.

Individuals who are victims of Domestic Violence in New York may seek a civil Order of Protection through Family Court. Criminal Orders of Protection may be issued if criminal

- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the Complainant.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking as defined above may not always be "on the basis of sex" (for example when an individual stalks an athlete due to celebrity worship rather than sex), but when stalking is "on the basis of sex" (for example, when the stalker desires to date the victim) stalking constitutes "Sex-based harassment" for purposes of this policy. Stalking that does not constitute Sex-based harassment because it is not "on the basis of sex" may be addressed under other applicable College policies.

Retaliation

In addition to prohibiting Title IX sex discrimination and sex-based harassment, this Policy also prohibits Retaliation based on an individual who reports, or complains about an alleged violation of, or who otherwise participate in good faith in, the procedures set forth in this Policy. Neither the College nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, or proceeding under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for Student Code of Social Conduct violations that do not involve sex discrimination or sex-based harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of SGBM, that are undertaken for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation.

The College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sex-based harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the federal Family Educational Rights and Privacy Act and its implementing regulations (FERPA) or as required by law, or to carry out this policy, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation related to a Title IX matter may be filed according to the grievance procedures for SGBM as described in this policy.

It is the policy of Skidmore College to hold individuals accountable for all acts that violate this Policy and other forms of sexual, and/or gender-based misconduct covered by other College policies.

Note on Other Policy Violations

After reviewing the report, the Title IX Coordinator or designee and Student Conduct administrator will determine whether other alleged policy violations in addition to the Title IX charges should be applied in the instances when other violations may arise out of the same or closely related incident(s). These will be included in the Formal Complaint and will be provided to both the Complainant and Respondent. All alleged policy violations, including the Student

The College will endeavor to respect the wishes of the Complainant regarding how and if to move forward; however, in some circumstances, the College will have to move forward. Under these circumstances, the College will weigh the request for confidentiality or that no further action be taken against certain factors, including but not limited to those described below in the section of this policy entitled “Requesting Confidentiality/No Further Action.”

All individuals shall have the right to emergency access to the Title IX Coordinator, Campus Safety or other trained official who shall be available upon the first instance of disclosure by a Complainant to provide information regarding options to proceed and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, as well as other pertinent information.

1. To Speak with Someone Confidentially:

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- **Peer Health Educators**
  Student Peer Health Educators are mandated to report for statistical purposes all incidents of sexual and gender-based misconduct that are disclosed to them. This report is made to Campus Safety and will not include any information that could identify the Complainant.

- Student Affairs administrative staff (except Counseling Center and Health Services staff who are confidential sources, and Victim Advocate Liaisons, who can protect anonymity)
- Residential Life staff members (Area Coordinator, Assistant Director, Director, etc.)
- Resident Assistants
- Peer Mentors
- Deans
- Faculty
- Coaches and Athletic Trainers
- Student organization faculty/staff advisors

In addition, a Title IX complaint can be filed with the United States Department of Education, Office of Civil Rights (contact information available in the "Notice of Non-Discrimination" at the beginning of this policy).

Accommodations and Supportive Measures

Regardless of whether the Complainant wishes to pursue a Formal Complaint, the College will consider the information provided and take such prompt and effective action as is reasonably possible under the circumstances to support and protect the parties involved and protect the College community. This may include taking appropriate steps before the final outcome of the process, potentially including the emergency removal of the Respondent, after an individualized safety and risk analysis as described below. Additionally, the College may choose to impose other measures at its discretion to restore or preserve equal access to its education programs or activities without unreasonably burdening the other party, including measures designed to ensure the safety of all parties, the broader College community, and/or the integrity of the process, and/or to deter Sex-based harassment, once again after an individualized analysis as required by Title IX.

Supportive measures may include, but are not limited to:

- Access to counseling and health services;
- Restrictions on contact between the parties;
- Campus escorts;
- Change of on-campus student housing to different on-campus location;
- Rescheduling an academic exam, paper, assignment, etc.;
- Taking an incomplete in a class;
- Transferring of class sections;
- Alternative course completion options;
- Employment modification (change of schedule or assignment, etc.);
- Assistance to seek an Order of Protection from a court of competent jurisdiction; the College will enforce the Order of Protection once notified of its existence and terms (more information on how to obtain on Order of Protection is included in a later section); and/or
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

Please note that supportive measures are available at the request of either the Complainant or Respondent, with or without the filing of a Formal Complaint.

All individuals are encouraged to report concerns about failure of another individual to abide by any requirement applied by a supportive measure, such as a mutually applied No Contact Order. The College will take immediate and responsive action to enforce a previously implemented measure.

The College will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the College's ability to provide the supportive measures.

While any supportive measure is in place, a party impacted by the supportive measure has the right to request that the supportive measure be reviewed for modification or rescission. Reviews will be conducted promptly, and modifications will be made as warranted. Requests must be submitted, in writing, to the Title IX Coordinator and should include the basis and any evidence in support of the request.

No Contact Orders

College administrators may unilaterally or by request issue a No Contact Order (NCO) when there exists a reasonable concern that physical, psychological, and/or emotional harm may result from such contact. The College will consider all facts and circumstances that may be relevant to whether a standard NCO should be issued, including but not limited to, the following factors:

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- obligation of the subject of the NCO to be present in the space (i.e., place of work, athletic competition, internship location, etc.)

Any reported alleged violation of a NCO will be investigated promptly. Students who fail to comply with the terms of an NCO may be found in violation of the code of social conduct under "Failure to Comply." Alleged violations of proximity NCOs are subject to review by the Title IX Coordinator or Deputy Coordinator. Additionally, depending on the nature, severity and frequency of the alleged NCO violation as well as other potentially relevant factors, the College reserves the right to apply additional violations under the Code of Social Conduct. These may include but are not limited to retaliation, stalking, attempted act, and other prohibited conduct. Any such alleged violation will be addressed consistent with the appropriate college policy.

College-Imposed Emergency Removal or Administrative Leave

- The College reserves the right to remove a Respondent from the College on an emergency basis if an individualized safety and risk analysis determines that there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX sex discrimination or sex-based harassment to justify the removal. An Emergency Removal does not assume that the removed student is responsible for the alleged violations.
- If such a removal were to take place, the Respondent would be provided notice and an opportunity to challenge the decision immediately following the removal.
- Emergency Removals are imposed after an individualized safety and risk analysis and in consultation with the Title IX Coordinator and the Vice President of Student Affairs and Dean of Students.
- For faculty and staff as well as student-employees, the College reserves the right to administer an administrative leave consistent with existing policies outside of the scope of Title IX. However, for student-employees, such an administrative leave cannot be punitive or disciplinary, such as the loss of wages, salary, or other forms of compensation, pending the outcome of the process.

IX. Reporting SGBM

Reporting to the College

Any Skidmore College community member can report an incident of sexual and gender-based misconduct (SGBM) to the Title IX Coordinator or Campus Safety at any time. For reports specifically alleging SGBM by a student, individuals can also report this to the Title IX Deputy Coordinator for Student Affairs. Any Skidmore employee, who is not a Confidential Resource, is required to report any information they receive about an incident of sexual and/or gender-based misconduct harassment to the Title IX Coordinator.

For as long as the Respondent is a currently a Skidmore student, faculty, or staff member any person may file a Formal Complaint of sexual and/or gender-based misconduct with the Title IX Coordinator or designee.

email/text communication to campus community) to protect the health or safety of the community. The College will make every effort to ensure that a Complainant's name and other identifying information are not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

At no time will the College release the name of the Complainant to the general public without the express consent of the Complainant. The

Note: Representatives from Wellspring may assist members of the Skidmore community in obtaining orders of protection from Family Court. Likewise, Campus Safety will assist community members with obtaining orders from the Criminal Court via the police.

Orders of Protection may be enforceable on campus and in other jurisdictions in accordance with thei

- Whether the misconduct was perpetrated with a weapon;
- Whether the victim is a minor;
- Whether the Respondent has admitted to the conduct;
- The extent of prior remedial methods taken with the Respondent;
- Whether the College possesses other means to obtain relevant evidence of the misconduct (e.g., security cameras or personnel, physical evidence);
- Whether the Complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.
- Whether the incident represents escalation in unlawful conduct on behalf of the Respondent from previously noted behavior; and
- Whether the incident occurred in the workplace (the College will generally be required to investigate allegations of workplace sex-based harassment).

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the Complainant's request for confidentiality.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. The College will assess any barriers to proceeding, including retaliation, and will inform the Complainant that Title IX prohibits retaliation and the College will take strong responsive action to protect the Complainant. Where the College is unable to take action consistent with the request of the Complainant, the Title IX Coordinator or designee will communicate with the Complainant about the College's chosen course of action, which may include the Title IX Coordinator filing a Formal Complaint and the College choosing to pursue action against a Respondent on its own behalf. Alternatively, the course of action may also include steps to limit the effects of the alleged misconduct and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

If the College determines that it cannot maintain a Complainant's confidentiality, the College will inform the Complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response.

The College may not require a Complainant or Respondent to participate in any investigation or disciplinary proceeding. Because the College is under a continuing obligation to address the issue of sexual and gender-based misconduct campus-wide, reports of sexual and gender-based misconduct (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual and gender-based misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the College determines that it can respect a Complainant's request for confidentiality, the College may nevertheless implement Supportive Measures as necessary to protect the Complainant. If the College honors the request for confidentiality, the Complainant must

understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the Respondent may be limited. Complainant may also explore an Informal Resolution.

XI. Informal Resolution

In the event a Complainant does not wish file a Formal Complaint and that request can be honored by the College, the Complainant can still seek out accommodations and supportive measures from the Title IX Coordinator as well as a non-binding Informal Resolution.

An Informal Resolution can take various forms or consist of various components, though almost all Informal Resolutions would incorporate an educational conversation between the Title IX Coordinator or designee and the Respondent. Depending on what information the Complainant is comfortable with sharing, the Title IX Coordinator in a separate meeting with the Respondent may notfify the Respondent that a report had been made about them, but no complaint was filed nor was there investigation initiated. This aspect of the conversation would be primarily to make sure the Respondent is aware that someone contacted the Title IX Coordinator about matter involving the Respondent.

- No Contact Order (Standard/Proximity)
- Counseling and/or Professional Assessment
- Voluntary Personal Leave
- Change in student housing
- Change in on-campus work schedule or job assignment
- Change in class schedule or other academic measures (in conjunction with and approval by the appropriate faculty or academic office)
- Community Service

Any agreement reached must be approved by the Title IX Coordinator. Any remedy, stipulation, or sanction requested by any party that is not listed above is subject to review and requires approval from the Title IX Coordinator or designee. The Title IX Coordinator or designee cannot advise any party as to whether they should pursue, agree, or reject an agreement or any proposed remedy, stipulation, or sanction therein.

Additionally, each party must consult with an SGBM Support Specialist (including a Victim Advocate). If a party does not wish to consult with an SGBM Support Specialist, the party must submit a written request that identifies an appropriate advisor of choice to the Title IX Coordinator or designee for review and approval. It is recommended that a party work with such an advisor, or a SGBM Support Specialist, throughout the process.

If all parties wish to engage in an Alternative Resolution Process and if both parties agree while a Formal Complaint process has been initiated simultaneously, the College can postpone the start of its investigation for up to 10 business days as parties attempt to reach an agreement and can extend this period with agreement from both parties. At any point during these initial 10 days or after, either party has the right to cease the Alternative Resolution Process and start (or resume) the formal investigation and adjudication process.

If an agreement is reached and signed by all parties and the Title IX Coordinator or designee, the College allegations in the Notice of Allegation provided to the parties at the onset could no longer be pursued in a Formal Complaint process, and the matter would be considered closed.

If a Formal Complaint Process had already been initiated using the same Notice of Allegations, investigation and adjudication processes would end, and the matter would be considered closed.

All parties would waive their right to appeal the agreement except for when either suspension or expulsion are part of the agreement. Please note that the agreement would not prohibit any party from pursuing the matter through law enforcement or another external agency.

Unless there is new and significant information (especially if such information was not available at the time of the agreement) neither the College nor the Complainant will be permitted to reopen the complaint. This does not preclude any party’s ability to file a complaint in the future regarding a different matter.

Any agreement by all parties and approved by the College is considered to be a directive of the College. Any violation of any of the stipulations would be grounds for misconduct charges. Such allegations will be investigated and adjudicated under the Failure to Comply section of the Code of Social Conduct in the Student Handbook.

A written copy of the agreement will be provided to the Office of Student Conduct and also maintained by the Title IX Coordinator for recordkeeping, pattern-tracking, and sharing with College personnel as needed for implementation.

The Title IX Coordinator has the right to determine that an Alternative Resolution Process would not be an appropriate option based on the nature and severity of the allegations, especially those

involving Sexual Assault, Dating Violence, and Domestic Violence, as well as the right to end an Alternative Resolution Process that may already be underway. Any agreement reached is under the purview of Skidmore College and does not affect or preclude any party's ability to pursue a complaint with law enforcement or another external entity.

XIII. Investigation Process

Filing a Formal Complaint

In the event that a Complainant wanted to pursue a formal investigation and adjudication process, they would do so by filing a Formal Complaint, which would be a document containing information from a Notice of Allegations but also indicating the Complainant's decision to proceed with an investigation or the Title IX Coordinator's decision to initiate an investigation on behalf of the College.

After receiving or filing a Formal Complaint, the Title IX Coordinator will determine how to proceed. The options for next steps include:

1. **Move forward with a Formal Complaint process under this policy:** Information collected in the Formal Complaint gives reasonable cause to believe a violation of this policy may have occurred and warrants further investigation. A full investigation will begin.

2. **Refer the complaint to the proper office if the Title IX policy does not have jurisdiction,** such as if one or more allegations alleged in the Formal Complaint:

    - Would not constitute SGBM (ie. sex discrimination or sex-based harassment under Title IX as defined in this policy even if proved; OR
    -

under this paragraph, the College must make reasonable efforts to clarify the allegations with the complainant.

In the event a Formal Complaint is dismissed in whole or in part under this policy as described above, both the Complainant and the Respondent may appeal this dismissal and request to have the dismissed allegations reinstated under the Title IX process. Appeals should be sent to the

The Title IX Coordinator or designee will then reach out to the parties to provide them Written Notice of the Formal Complaint, including (to the extent known) the identities of the involved parties; the date, time, and location of the alleged misconduct; the factual allegations then known allegedly constituting a violation; the policy provisions allegedly violated; potential sanctions; and their right to

- an Advisor of their Choice, who may be, but is not required to be, an attorney;
- their right to inspect and review evidence in accordance with this policy;
- notice that knowingly making false statements or knowingly submitting false information is prohibited under this policy among others; and
- that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process.

This information will be provided in sufficient detail and with sufficient time to prepare a response before any initial interview. If, in the course of the investigation, the College decides to investigate allegations that are not included in the notice initially provided to the parties, the Title IX Coordinator or designee will provide notice of the additional allegations to the parties.

Throughout the investigation and adjudication, the College assumes the responsibility for gathering evidence, and it is not the responsibility of the parties to conduct their own investigation. Parties will also maintain the following rights throughout the investigation:

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- An investigative report that fairly summarizes relevant evidence, that will be provided to the parties and their advisors a minimum of 10 days prior to a hearing in an electronic format or a hard copy, for their review and written response.

Please note that any evidence, including a party or witness interview, that was reasonably available during the investigation but was not provided during the investigative stage will NOT be permitted to be introduced at the hearing. Any proposed exception will be reviewed by the single adjudicator and determined on a case-by case basis.

Recordings of investigative interviews or any such meeting throughout the investigative process is strictly prohibited. Any party, witness or employee who creates an unauthorized recording of meetings or interviews related to the complaint will be charged with a policy violation under the applicable policy. Advisors who record on behalf of a party will be expelled from the process, and charges of a policy violation will be applied to the party who was advised by that advisor under the appropriate policy.

Once the investigation report is final, it is turned over to the Hearing Administrator to begin the adjudication process along with any responses from the Complainant and Respondent.

XIV. Adjudication Hearing

Once the final investigation report is complete and responses have been collected (or the time to submit responses has expired), the Hearing Administrator will provide the report and responses to the Adjudicator to review. An Adjudicator may be a member of the campus community or may be external to the College as determined by the Title IX Coordinator.

The Complainant and Respondent have a right to petition that the Adjudicator be removed on the basis of knowledge of one or more of the participants in the case that may impair – or may be perceived to impair – their ability to review and determine a case impartially, or on the basis of any other conflict of interest or bias for or against complainants or respondents generally or the Complainant(s) or Respondent(s) in the case. An Adjudicator is also encouraged to remove themselves from the process if they have any knowledge of circumstances or information that may impair – or may be perceived to impair – their ability to review and determine a case impartially, and to recuse themselves if their participation might compromise the integrity of the adjudication process.

The Complainant and Respondent will be informed in writing of the date and time of the hearing no later than 10 days before it takes place. Requests to alter the date/time of the hearing must be submitted to Title IX Coordinator within 48 hours of the time the parties are informed of the proposed date and time of the hearing. **If a party or their advisor is not available during the proposed hearing date/time, they can request for it to be rescheduled, but a hearing will only be delayed up to 5 business days due to party/advisor availability.** If the party's advisor is not available within the five business days referenced, then the party must either find a new advisor or have one assigned to them by the College. Requests for exceptions due to special circumstances will be reviewed and addressed on a case-by-case basis.

The Complainant and Respondent may be accompanied by one Advisor of Choice to conduct cross-examination during the hearing and a secondary Advisor of Choice who is limited to advising and consult

However, a recent federal court case (VRLC et. al. v. Cardona) invalidated the provision (above) in the Title IX regulations that stated that if a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination and the decision-maker cannot draw on inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions (Section 106.45(b)(6)(i)). As a result, Skidmore will not strictly enforce these provisions in its policy.

Parties and witnesses are encouraged to participate in a hearing and submit to cross-examination in order to ensure all relevant evidence is clearly understood and considered. In the event that a party or witness does not participate in a hearing and/or submit to cross-examination, the Hearing Panel or Adjudicator will consider that when weighing any statements made by such person and submitted as evidence.

- The College will create an audio or audiovisual recording, or transcript, of the hearing and make it available to the parties for inspection and review. Any other recording during the hearing is strictly prohibited. Any party, witness or employee who creates an unauthorized recording of the hearing will be charged with a policy violation under the applicable policy. Advisors who record on behalf of a party will be expelled from the process, and charges of a policy violation will be applied to the party who was advised by that advisor under the appropriate policy.

Formal rules of evidence will not apply at the hearing. Except as otherwise expressly prohibited by this policy, any information that the Adjudicator determines is relevant may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. The Adjudicator will address any concerns regarding the consideration of information prior to and/or during the hearing and may exclude irrelevant information. Subject to the terms of this policy, the Adjudicator will have discretionary authority to determine all questions of procedure, to determine whether particular questions, evidence or information will be accepted or considered, to call breaks or temporary adjournments of the hearing, and/or to recall parties or witnesses for additional questions as the Adjudicator deems necessary or appropriate. The Adjudicator may impose additional ground rules as the Adjudicator may deem necessary or appropriate for the orderly and efficient conduct of the hearing, which will apply equally to both parties.

Following conclusion of the hearing, the parties and their advisors will depart and the Adjudicator will determine whether or not the Respondent violated the Title IX policy as alleged in the Formal Complaint by finding either: “Responsible” or “Not Responsible” with respect to each allegation, using the Preponderance of the Evidence standard. A preponderance of the evidence exists when a reasonable person, after a careful balancing of available information, would conclude that it is “more likely than not” a violation has occurred and the Respondent is responsible for the violation.

- **Impact Statement:** The Complainant and Respondent each have the right to prepare and submit, in writing, an Impact Statement to be considered by the Adjudicator while determining sanctions. Impact statements may outline the Complainant's or Respondent's thoughts regarding an appropriate sanction. The Adjudicator is not bound by these statements in determining sanctions. Impact statements are optional and are only admissible if a violation is found.

Determination Regarding Responsibility

The Adjudicator will issue a written determination. The written determination will include the following:

A. Identification of the allegations potentially constituting SGBM.
B. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
C. Findings of fact supporting the determination;
D. Conclusions regarding the application of the College's Title IX policy and Student Code of Social Conduct to the facts;
E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the

suspension or expulsion, Skidmore shall make a notation on the transcript of the Respondent that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the Respondent who withdraws from Skidmore while conduct charges for such offenses are pending, and declines to complete the disciplinary process, Skidmore shall make a notation on the transcript of the Respondent that they "withdrew with conduct charges pending." Students who are suspended after a finding of responsibility for an offense as described above may submit a written appeal to the Dean of Students/Vice President of Student Affairs requesting that the transcript notation be removed from their transcript. Such a notation may not be removed from a student's transcript prior to one year after conclusion of the suspension. Notations for expulsion will not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

Special Procedures

A. **False Reports**
The College will not tolerate false allegations of incidents of sexual or gender-based misconduct. Complaints made in good faith that are not substantiated through the processes described in this policy will not be considered false allegations. It is a violation of the *Student Code of Conduct* to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws. Any individual who knowingly, maliciously, or frivolously makes a false allegation of sexual or gender-based misconduct will be subject to disciplinary action up to and including suspension or expulsion. Similarly, any party or witness who is later proven to have intentionally given false information during the course of an investigation or conduct process may be subject to disciplinary action.

B.

impartially, and to recuse themselves if their participation might compromise the integrity of the appeal process.

Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. If a party submits an appeal, the other party will have an opportunity to submit a response. That response will be shared with the party who appealed but will not be subject to an additional response. After review, the Appeals Panel will issue a written

XV. Liability Information for Employees

Skidmore College provides liability protection for employees for their work on behalf of the College, including their work as an Adjudicator, Investigator, advisor, advocate, or other relevant role throughout the Title IX process. The liability insurance provided is the Educators' Legal Liability and General Liability policies. The Educators' Legal Liability protects against claims for "wrongful acts", such as harassment or discrimination. General Liability insurance protects against claims for bodily injury or property damage. Both policies are placed with United Educators.

For more information, please contact the Office of Risk Management at 518-580-5812.

XVI. Services and Resources

On-Campus Resources

- ***Counseling Center (Confidential):** 518-580-5555
  (9 a.m. - 12 noon, 1 p.m. - 5 p.m. Monday - Friday while school is in session)
- ***Health Services (Confidential):** 518-580-5550
  (9 a.m. - 12 noon, 1 p.m. – 4:30 p.m. Monday - Friday, and 12 noon - 5 p.m. Sunday while school is in session)
- **Victim Advocate Liaisons (Anonymous)**
  Kim Golemboski, Director of Health Promotion: 518-580-5484
  Wendy Walker, Prevention Specialist: 518-580-8256
  Kristen Corcoran, Health Educator: 518-580-5684

- **Wellspring Advocate (Confidential, Not affiliated with Skidmore College)**
  A victim advocate from Wellspring (formerly Domestic Violence and Rape Crisis Services of Saratoga County) is on campus and accessible to individuals during set times
    - See https://www.skidmore.edu/sgbm/contacts.php for exact times and contact information.
- ***Campus Safety:**
  518-580-5566
- **Title IX Coordinator (Private)**
  Joel Aure: 518-580-5708
- **Title IX Deputy Coordinator (Private)**
  (TBA)
- **Office of the Dean of Students/Vice President of Student Affairs (Private)**
  518-580-5760
- ***Administrator ON-CALL:** 518-580-5566
  (Call Skidmore Campus Safety to contact "on-call" person)

Off-Campus Confidential Reporting Sources

- ***Wellspring Saratoga Springs 24 Hour Hotline:** 518-584-8188
- ***Saratoga Hospital Emergency Room:** 518-583-8313
- **Saratoga Planned Parenthood/Schenectady Planned Parenthood:** 518-584-0041 or 518-374-5353
- **Queensbury Planned Parenthood of Greater New York - Victim Advocacy Services**: 518-792-0994 and www.ppgreaterny.org
- ***NYS Sexual Violence Hotline:**
    - English: 1-800-942-6906
    - Spanish: 1-800-942-6908
    - English TTY: 1-800-818-0656
    - Spanish TTY: 1-800-780-7660

Off-Campus Reporting Sources

- ***Saratoga Springs Police Department:** 518-584-1800
- ***New York State Police Hotline:** 1-844-845-7269 (dedicated 24-hour hotline for sexual assaults occurring on a New York State college campus)
- **Office of Civil Rights**
  New York Office
  Office for Civil Rights
  U.S. Department of Education
  32 Old Slip, 26th Floor New York, NY 10005-2500
  Telephone: 646-428-3900
  FAX: 646-428-3843
  TDD: 800-877-8339
  Email: OCR.NewYork@ed.gov

****indicates availability 24 hours a day/7 days a week***

Policy revised in August 2024.

This policy may be amended, in writing, by Title IX Coordinator in con4 (m)l3aySD T42 (ng, by)4 (h y)4 (hi)-2 (