

**MINERVA SCHOOLS AT KGI
PROHIBITED SEXUAL CONDUCT/TITLE IX POLICY**

Effective August 14, 2020

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INTRODUCTION

The mission of Minerva is to nurture critical wisdom for the sake of the world. We apply critical wisdom in establishing policies and procedures that are fair and impartial, including this policy regarding prohibited sexual conduct. Minerva has enacted this policy and coordinated procedures in order to:

- maintain our community values and expectations that all community members are free from all forms of sex and/or gender discrimination and sexual harassment,
- reduce or eliminate barriers to educational opportunities caused by sex/gender discrimination and sexual harassment,
- describe our procedures for responding when these policies have been violated, and
- provide recourse for individuals and the community in response to policy violations.

Any report of Prohibited Sexual Conduct, as defined in this document, will be taken seriously and addressed promptly. Minerva will act to end the prohibited conduct, prevent its recurrence, and provide appropriate remedies to affected parties. Individuals who violate these policies are subject to Sanctions as described below, up to and including termination of employment at Minerva (for faculty or staff), or expulsion (for students).

A. Title IX Compliance and Jurisdiction

This policy meets Minerva's responsibility for compliance with the final 2020 Federal Regulations for Title IX of the Education Amendments Act of 1972, as well as with other requirements in the Code of Federal Regulations prohibiting discrimination on the basis of sex.

In addition to compliance with Title IX regulations, this policy meets Minerva's compliance obligations under the Violence Against Women Reauthorization Act of 2013 (VAWA) amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) in response to reported Prohibited Conduct. These obligations include:

- providing a timely warning to all members of the community in the event that a report of misconduct discloses a serious or continuing threat, in order to protect the health or safety of the community; and
- publishing an Annual Security Report that identifies the number of particular reported crimes in or adjacent to Minerva-occupied buildings, without identifying information about the parties involved.

These policies are also compliant with FERPA (Family Educational Rights and Privacy Act) regulations, Title VII of the Civil Rights Act of 1964, and ADA, Section 504.

The Title IX Coordinator at Minerva has the responsibility to protect all persons' rights and accord equal dignity to all Parties involved in any allegation of Sexual Harassment or Prohibited Sexual Conduct. The jurisdiction of Title IX compliance is restricted to Formal Complaints made:

- within the definitions of Sexual Harassment outlined below,
- by a Complainant who is currently enrolled or attempting to enroll in a Minerva program or activity, or is a currently Minerva employee, and
- about conduct that took place in the United States.

In this policy, Minerva reserves the right to appropriately respond to Complaints that are made regarding conduct that does not meet these restrictions.

Therefore, allegations that do not meet the definitions of Sexual Harassment under Title IX regulations, but do meet the definitions of Prohibited Sexual Conduct, will be investigated in accordance with the procedural guidelines described below. Additionally, allegations regarding any form of sexual harassment or prohibited sexual conduct that took place outside of the United States will also be investigated in accordance with the procedural guidelines described below.

B. Freedom of Speech and Statement of Non-Discrimination

Minerva is committed to the principles of academic freedom, including free inquiry and expression. These policies are not intended to stifle the freedom of Minerva students, faculty, and staff to properly engage in vigorous discussion and debate and to express ideas that may be controversial, provocative, or unpopular. However, this protection of free speech has limits, such that speech or conduct

that rises to the level of unlawful harassment on the basis of sex or gender is neither legally protected expression nor an exercise in academic freedom. Minerva supports an environment free of sex or gender-based harassment and misconduct.

Minerva also prohibits other forms of discrimination and harassment, including discrimination and harassment on the basis of race, color, national origin, ancestry, age, religious belief, marital status, physical or mental disability, medical condition, veteran status, or any other characteristic protected by federal, state, or local law.

II. POLICY ELEMENTS

A. Sexual Harassment

Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

1. Quid Pro Quo Harassment

A Minerva employee conditioning the provision of an aid, benefit, or service of Minerva on an individual's participation in unwelcome sexual conduct.

2. Sexual Harassment

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal educational access to Minerva's educational programs or activities.

3. Sexual Assault

a) Sex Offenses, Forcible: Any sexual act directed against another person, without the consent of the Complainant including instances where the Complainant is incapable of giving consent.

b) *Forcible Rape – 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 Complainant, including:*

(1) Forcible Sodomy – Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against the person’s will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

(2) Sexual Assault with an Object – To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will or not forcibly or against the person’s will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

(3) Forcible Fondling – The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person’s will (non-consensually) or not forcibly or against the person’s will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

c) *Sex Offenses, Nonforcible: Nonforcible sexual intercourse*

(1) Incest – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by California law.

(2) Statutory Rape – Nonforcible sexual intercourse with a person who is under the statutory age of consent, 18 years of age.

4. Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the

frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

5. Domestic Violence

A felony or misdemeanor crime of violence committed by:

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

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6. Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

For the purposes of this definition, "a course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

A “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.

“Cyber-stalking” is a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

Examples of Stalking include, but are not limited to:

- non-consensual communication, including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on websites, written letters, gifts, or any other communications that are undesired and/or place another person in fear;
- following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, or other locations frequented by a person;
- surveillance and other types of observation, whether by physical proximity or electronic means; and
- gathering of information about a person from family, friends, co-workers, and/or classmates.

To qualify as stalking, the conduct is not required to be sexual in nature.

B. Prohibited Sexual Conduct

Minerva uses the term “Prohibited Sexual Conduct” as an umbrella term that includes all forms of sexual harassment described above, including those same policy violations when they occur outside of the United States, and therefore outside the jurisdiction of Title IX. Also included in the definition of Prohibited Sexual Conduct are forms of conduct defined below. Therefore, the procedural elements of this policy are bifurcated to address this distinction.

Prohibited Sexual Conduct also includes both broader and milder forms of non-consensual sexual contact that do not meet the definitions of sexual harassment, as defined above in accordance with Title IX regulations. These are:

1. Non-Consensual Sexual Contact

Similar, but more broadly defined than “forcible fondling,” non-consensual sexual contact is having any sexual contact with another person by force or threat of force, or without effective affirmative consent. Sexual contact includes intentional contact with the intimate body parts of another, causing an individual to touch their own body parts, or disrobing or exposure of another person without permission. Intimate body parts may include breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched or exposed in a sexual manner.

2. Sexual Exploitation

Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another person for one’s own advantage or benefit, or to benefit or advantage anyone other than the person being exploited. Examples of sexual exploitation include, but are not limited to:

- surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity of the person being exploited, or distribution of such without the knowledge and consent of all parties involved;
- exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances;
- knowingly exposing another individual to a sexually transmitted disease or virus without their knowledge;
- prostitution; and
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

3. Prohibited Relationships by Persons in Authority

Sexual or other intimate relationships in which one Party maintains – and fails to promptly report and discontinue – a direct supervisory or evaluative role over the other Party are prohibited at Minerva. In general, this includes all sexual or other intimate relationships between students and their managers, supervisors, professors, advisors, or other Minerva employees or contractors. Similarly, faculty and staff who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under the employee’s direct supervision.

Intimate or sexual relationships between individuals in asymmetrical positions of power may undermine the professionalism of faculty and staff, and may raise sexual harassment concerns. Even when all parties consent, the person with greater authority may be subject to charges of Prohibited Sexual Conduct if the perspective of another party regarding the consensual nature of the relationship changes. Such relationships may impact third parties based on perceived or actual favoritism or special treatment based on the relationship.

If an individual contemplates beginning, or is involved in, a sexual or intimate relationship with another, over whom the individual holds direct supervisory or evaluative responsibilities, the individual must promptly:

- discontinue any supervising role or relationship over the other person; and
- report the circumstances to their own supervisor or member of the senior staff at Minerva.

Failure to comply fully and in a timely way with these requirements is a violation of this Policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment.

C. Retaliation

Minerva’s policy regarding Retaliation applies to any case of Sexual Harassment or Prohibited Sexual Conduct. All Parties involved in any case are prohibited from engaging in retaliatory behavior, which is defined as any materially adverse action taken against a person for making a good faith report of Sexual Harassment or Prohibited Sexual Conduct or for participating in any proceeding under this Policy. Adverse action includes conduct that threatens, intimidates, harasses, coerces or

in any other way seeks to discourage a reasonable person from engaging in activity protected under this Policy.

Retaliation can be direct, such as denying a student access to a program, or it may be indirect, such as acting in a way that is intimidating, threatening, or harassing to an individual who has made a report of, or otherwise participated in an Investigation of, Sexual Harassment or Prohibited Sexual Conduct. Retaliation can be committed by or against any individual or group of individuals, not just a Respondent or Complainant.

Retaliation may be present whether or not there is ultimately a finding of responsibility on the allegations of Sexual Harassment or Prohibited Sexual Conduct. Therefore, an individual making a Report or Formal Complaint is entitled to protection from any form of retaliation following a Report or Complaint that is made in good faith, even if the Respondent is later found not responsible for a policy violation.

Any instance of retaliation should be reported to the Title IX Coordinator. Minerva will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate.

D. Scope

The effective date for this policy is August 14, 2020.

Minerva's Sexual Harassment and Prohibited Sexual Conduct Policy applies to the Minerva Institute, Minerva Project, and Minerva Schools at KGI, referred to collectively in this document as Minerva. The policy applies to all current students, applicants, faculty, staff, and contract employees unless they also fall into one of the aforementioned categories; this policy does not apply to Minerva alumni, unless they also fall into one of the aforementioned categories. This policy also applies only to locations, events, and circumstances over which Minerva exercises substantial control over both the Respondent and the context in which the Sexual Harassment or Prohibited Sexual Conduct occurs.

Minerva reserves the right to make changes to these policies as necessary and once those changes are posted online, they are in effect. Minerva will publish the current versions on the main Minerva website, on the student-facing website, the

Hub, and on the faculty and staff website, the Owl. All students, faculty, staff and contractors are responsible for knowing the policies and procedures outlined here. Any individual who violates this Policy may also be subject to criminal prosecution and civil litigation.

Minerva strongly encourages individuals to report any form of Sexual Harassment or Prohibited Sexual Conduct, regardless of who engaged in the conduct, to the Title IX Coordinator at Minerva (tix@minerva.kgi.edu). Even if Minerva does not have jurisdiction over the individual alleged to have engaged in Sexual Harassment or Prohibited Sexual Conduct, Minerva will promptly take reasonable action to provide for the safety and security of any Minerva community member.

E. Standard of Evidence

The standard used for determining whether a Respondent has violated the Prohibited Sexual Conduct policy is Preponderance of the Evidence, which means that in the eyes of the evaluator, it is more likely than not that a violation occurred, based on all available and relevant evidence. This is the standard of evidence applied in all student conduct and personnel processes that involve Hearings or other forms of adjudication at Minerva.

F. Privacy/Confidentiality

In the implementation of this Policy, Minerva is committed to protecting the privacy of all individuals involved, as far as legally possible. Minerva staff will make reasonable efforts to protect the privacy of individuals reporting or accused of Prohibited Sexual Conduct, as permitted by law and while balancing the need to gather relevant information to eliminate Prohibited Sexual Conduct, prevent its recurrence, and remedy its effects. This means that information related to a report of Prohibited Sexual Conduct will only be shared with a limited number of professional staff who “need to know” in order to assist in the Investigation and/or Resolution of an incident. Furthermore, Minerva staff will protect student records in accordance with the Family Educational Rights and Privacy Act (FERPA)..

The term confidentiality refers to information that cannot be revealed to others without an individual’s express permission. As governed by law, the only Minerva employees who may offer legally protected confidentiality to students are members of the professional Mental Health staff. These mental health providers

are prohibited from breaking confidentiality unless they have explicit permission from the student or there is an imminent threat of harm to self or others. Therefore, an individual student who seeks confidential assistance or support may do so by speaking with one of these staff members or with a confidential resource outside of Minerva.

External resources are provided under the Local Resources heading in this document. When a student makes a request for privacy or confidentiality in the context of reporting Prohibited Sexual Conduct, the Title IX Coordinator will evaluate the request, balancing the obligation to provide a safe and non-discriminatory environment with the obligation to provide fundamental fairness by giving notice to the individual accused of a conduct violation.

III. OTHER TERMINOLOGY

The following definitions are provided to clarify terminology used in these policies. The use of singular terms such as Complainant, Respondent, or Third-Party Reporters should be understood to be plural when there are multiple Parties involved in particular Complaint. Any questions regarding terminology should be directed to the Title IX Coordinator (tix@minerva.kgi.edu).

A. Complainant

When used in these policies, a Complainant is the individual who is alleged to be the victim of conduct that could constitute Sexual Harassment or Prohibited Sexual Conduct, whether or not that individual makes a Formal Complaint or report of Sexual Harassment or Prohibited Sexual Conduct. A complainant must be a Minerva employee, an enrolled student, or an individual attempting to be employed by or to enroll in Minerva.

B. Respondent

A Respondent is an individual alleged to be the perpetrator of conduct that could be Sexual Harassment or Prohibited Sexual Conduct.

C. Third-Party Reporter

Third-Party Reporter refers to an individual who makes an initial report about, or on behalf, of a Complainant, but is not themselves a Complainant with regard to the allegations made in the report.

D. Witness

A Witness may be an individual who observed conduct that is related to an alleged violation of these policies or who may have communicated with the Complainant and/or Respondent subsequent to an alleged incident of Sexual Harassment or Prohibited Sexual Conduct.

E. Mandated Reporter

A Mandated Reporter is any Minerva employee who has been designated as such, including, but not limited to, all members of the Senior Team, all Deans including Associate and Assistant Deans, all Faculty Advisors, and all Student Life staff. Any Mandated Reporter who is aware of policy violations must promptly inform the Title IX Coordinator and disclose all relevant information, including the names of the Parties, even when individuals have requested that their names remain confidential.

F. Formal Complaint

A Formal Complaint is made when a document is filed by a Complainant, or signed by the Title IX Coordinator alleging Sexual Harassment or Prohibited Sexual Conduct and requesting a Formal Investigation of the allegation(s).

G. Affirmative Consent

Affirmative Consent in the context of this policy means clear, affirmative, conscious, and voluntary agreement to engage in sexual activity with an adult person. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the other(s) to engage in sexual activity. Essential elements of affirmative consent are the following:

- *Informed and reciprocal*: All parties must demonstrate a clear and mutual understanding of the nature and scope of the act(s) to which they are consenting and a willingness to engage in those act(s).

- *Freely and actively given*: Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.
- *Mutually understandable*: Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. Consent may not be inferred from silence, passivity, lack of resistance, or lack of active response.
- *Not indefinite*: Affirmative consent must be ongoing throughout the activity. Consent may be withdrawn by any Party at any time.
- *Not unlimited*: consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Even in the context of a current or previous intimate relationship, the mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

The State of California considers sexual intercourse with a minor to be unlawful. A person over the age of eighteen who engages in felony unlawful sexual intercourse as described in the California penal code does so without effective consent as defined by these policies. **Being intoxicated by drugs or alcohol is no defense to any violation of this policy and does not diminish one's responsibility to obtain consent.**

H. Incapacitation

Incapacitation is a state in which an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act and/or is physically helpless. An individual is incapacitated, for example, if the individual is asleep, unconscious, or otherwise unaware that sexual activity is occurring, or unable to understand the nature of the activity or communicate effectively due to a mental or physical condition.

An individual may be incapacitated due to the use of alcohol, drugs, or other medications. Consumption of alcohol, drugs, or medication alone is insufficient to establish incapacitation. An evaluation of incapacitation requires an assessment of how consumption impacts an individual's decision-making ability, awareness of

consequences, ability to make informed judgments, or capacity to appreciate the nature and quality of the act(s).

When determining the responsibility of a Respondent with regard to whether affirmative consent was provided, an evaluation will be made using a reasonable person standard. It is irrelevant whether the Respondent's own incapacitation caused the Respondent to misjudge the other Party's capacity to provide affirmative consent.

Please see sections in this policy on Consent Culture and Minerva's Amnesty Policy for additional information on drugs and alcohol in relation to these policies and procedures.

I. Force

In the context of this policy, force is the use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or to provide consent. Consent obtained by force is not valid. Evidence of resistance by a Complainant is viewed as clear demonstration of a lack of consent, but there is no requirement that a Complainant must physically or verbally resist a sexual advance or request in order to demonstrate that force has been used. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

J. Intimidation

Intimidation is the use of implied threats to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or to provide consent. Consent obtained by intimidation is not valid.

K. Coercion

Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against that person's will. A person is acting in a coercive manner if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Consent obtained through coercion is not valid. Coercion may take the form of a range of behaviors, including but not limited to: intimidation, manipulation, threats, and blackmail. Examples of coercion include, but are not limited to:

- threatening to “out” a person based on their sexual orientation, gender identity, or gender expression, or
- threatening to harm oneself or another if the other party does not engage in sexual activity.

An evaluation of coercion requires consideration of the:

- frequency and duration of the application of pressure,
- intensity of the pressure, and
- degree of isolation of the person being pressured.

L. Supportive Measures

In general, supportive measures are individualized, non-punitive services offered, as appropriate and as reasonably available, to a Complainant or a Respondent, before or after the filing of a Formal Complaint, or when no Formal Complaint has been filed. These measures are designed to restore or preserve equal access to Minerva’s education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties, or to deter Sexual Harassment. They may include accelerated access to Counseling and Psychological Services; academic adjustments, such as extending deadlines for assignments; assignment to new classes or section of a class; modifications to work study; residence hall adjustments, such as being assigned to a different building or different section of a building; mutual contact restrictions; and, leaves of absence.

The Title IX Coordinator may implement emergency removal procedures, based on a safety and risk analysis of an immediate threat posed to any members of the Minerva community. These measures are never taken for a punitive purpose prior to the final resolution of a Formal Complaint.

M. Contact Restrictions

As a supportive measure or as a remedy, Minerva may impose a Contact Restriction on either or both Parties involved in a Complaint. Prior to an Investigation, such a restriction will be applied mutually to all Parties involved in an alleged violation of these policies. This may include being restricted from entering another’s room, as well as other behavioral restrictions intended to prevent interactions between Parties to the degree reasonably possible. Any

violation of Contact Restrictions, once imposed, are treated as a separate violation of this policy.

IV. CONSENT CULTURE

The behaviors described here as Sexual Harassment or Prohibited Sexual Conduct represent violations of both our cultural values and official policies. We have developed a culture at Minerva in which all students, faculty, staff, visitors, and others interact in meaningful, caring, and respectful ways. It is therefore essential to understand the concept of consent as it applies to all forms of physical interactions, including sexual activity.

Recognizing the dynamic nature of sexual activity, individuals choosing to request sexual activity with others must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual interactions. Consent may be provided by word or by action, but non-verbal consent is not as clear as talking about what one does and does not want sexually. Silence or passivity – without actions demonstrating affirmative agreement – cannot be assumed to show consent. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.

Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given. Therefore, consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. Previous consent to sexual activity or to a particular form of sexual activity cannot be interpreted as consent to any other form of sexual activity or to sexual activity at a future time. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Even in the context of a current or previous intimate relationship, each person must consent to each instance of sexual contact each time. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts. Consent, once given, can be withdrawn at any time, although there must be a clear indication that consent is being withdrawn. Withdrawal of consent can be expressed by “no,” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain, or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease

immediately. Clearly and mutually expressed consent must be obtained before continuing further sexual activity.

Alcohol or other drug use may impair an individual's capacity to provide consent, so sober sexual interactions are less likely to raise questions about consent. It is the responsibility of each person to be aware of the intoxication level of others before engaging in sexual activity.

Because non-consensual sexual contact often involves some form of emotional coercion, it is important to clarify the difference between seduction and coercion. Even if not physical, coercing someone into sexual activity is a violation of Minerva policies. Coercion happens when someone is pressured unreasonably for sex. An example of this would be one person suggesting that they will hurt the other person, psychologically or emotionally, unless they engage in sexual activity. If the other person agrees to sexual activity under this coercive condition, that sexual activity is not consensual.

The Sexual Behavior Education Program at Minerva is designed to teach students about the complexities of sexual consent, not only to prevent sexual harassment and prohibited sexual conduct described in these policies, but to prepare students for healthy and respectful sexual lives in the future. A description of this educational program and other training programs offered to Minerva students and staff members is found in the next section of this policy document.

V. EDUCATIONAL TRAINING AND RISK REDUCTION

All Minerva staff, faculty, contractors, and students are required to complete educational programs that familiarize them with the policies and procedures governing Prohibited Sexual Conduct. Staff, contractors, and faculty are required to complete sexual harassment training on a regular basis. Minerva students complete a two-part educational program immediately preceding and during their first semester of enrollment, and participate in annual supplementary programs.

All staff with investigatory and/or decision-making authority have received a minimum of 8 hours of appropriate training for these roles. These trainings have included content about requirements for impartiality, no conflict of interest, no

bias, no sexual stereotypes, no prejudgment, as well as presumption of innocence, rape shield laws, and other best practices. The most recent training materials may be found [here](#). In 2020, the Title IX Coordinator completed the training programs described [here](#), and [here](#).

In addition to annual training resources, the following list of risk reduction tips may help members of the Minerva community reduce their risk for experiencing non-consensual sexual behavior:

- Clearly communicate limits you may have regarding sexual interactions, and make your limits known as early as possible.
- Tell a sexual aggressor NO clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Give thought before sharing your intimate content, pictures, images and videos with others, even those you may trust. If you do choose to share, clarify your expectations as to how or if those images may be used, shared or disseminated.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do. In order to reduce your risk for being accused of sexual misconduct:
 - As the initiator of sexual behavior, clearly communicate your intentions to your sexual partner(s) and give them a chance to clearly relate their intentions to you.
 - Understand and respect personal boundaries.
 - DO NOT MAKE ASSUMPTIONS ABOUT CONSENT. Do not assume that someone is sexually available, that they are attracted to you, or that they are physically able to consent without receiving affirmative and continuous consent during a sexual encounter. If there are any questions or ambiguity, you do not have consent.

- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading your partner, or they may not have figured out how far they want to go with you yet.
- Do not take advantage of someone's altered state, whether as a result of alcohol or drug use, even if they willingly consumed substances.
- Realize that your potential partner(s) could feel intimidated or coerced by you. You may have a power advantage simply because of your gender or physical presence. Do not abuse that power.
- Do not share intimate content, pictures, images and videos that are shared with you.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence, passivity, or non-responsiveness cannot be interpreted as an indication of consent. Read your potential partner(s) carefully, paying attention to verbal and non-verbal communication and body language.

If you are accused of Sexual Misconduct or any form of physical violence, do not contact the Complainant. Such communication could be interpreted as intimidation or retaliation, as described above. Instead, you may want to speak with a confidential counselor from Counseling and Psychological Services or seek external counseling services. You may want to contact someone who can act as an Advisor in any forthcoming Investigation process. You may also contact anyone on the Student Affairs staff, and/or the Title IX Coordinator at Minerva, who can explain Minerva's policies and procedures with regard to Prohibited Sexual Conduct.

VI. REPORTING PROCEDURES

A. Reporting Options

We encourage any member of the Minerva community who experiences any form of Sexual Harassment or Prohibited Sexual Conduct to report such incidents to the Title IX Coordinator at tix@minerva.kgi.edu. The Title IX Coordinator will respond promptly in order to put a stop to any ongoing prohibited sexual conduct, to remedy the effects of this conduct, and to prevent its recurrence. An individual does not have to request a particular course of action, nor do they need to predetermine the exact application of policy to an incident they have experienced, in order to request information from the Title IX Coordinator. All individuals are allowed to have an Advisor accompany them at all stages of the reporting and Investigation processes.

The Title IX Coordinator will remain impartial and unbiased with regard to any disclosure of Sexual Harassment or Prohibited Sexual Conduct, treating all Parties with fairness, equity, and respect. Unless a person's physical safety is at serious risk, an initial report will not be officially investigated until such time as the individual affected by misconduct chooses to file a Formal Complaint. The Title IX Coordinator may file a Formal Complaint themselves under unusual circumstances, such as when there is credible evidence of a serious incident of Sexual Harassment or Prohibited Sexual Conduct that could reasonably result in physical harm to one or more individuals, but there is no official Complainant.

Although anyone may provide information to the Title IX Coordinator with regard to any concerns about violation of this policy, only an individual who experienced Sexual Harassment or Prohibited Sexual Conduct may file a Formal Complaint. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by email (tix@minerva.kgi.edu). Additional contact information is provided below.

In order to respect an individual's autonomy in deciding if, or how to proceed, the Title IX Coordinator will neither pressure an individual to file a Formal Complaint, nor dissuade an individual from filing a Formal Complaint, but will provide the individual with information that is relevant to inform such a decision. Decisions to make Formal Complaints often unfold over time, and Minerva will provide support to any individual making such a decision.

Additionally, any student may consult with Counseling and Psychological Services staff regarding an incident of Sexual Harassment or Prohibited Sexual Conduct on

a strictly confidential basis. Students have free access to confidential counseling, and may wish to consult with a counselor to assist with a decision about whether/what to report as a Formal Complaint.

Minerva will also support any individual who chooses to report an incident that might also be a crime to law enforcement. If an individual has experienced an incident of sexual violence, for example, Minerva strongly encourages that individual to seek assistance immediately from a medical provider and/or law enforcement. This may allow the appropriate authorities to collect and preserve evidence, execute search warrants, make arrests, and assist in seeking emergency protective orders, as necessary and if available in a particular location.

The definitions of criminal conduct and the burden of proof used in the criminal justice system are different from the definitions used in Minerva policies. These reporting options are not mutually exclusive and may be made simultaneously or at different times. An internal Investigation process at Minerva will not be delayed unless officially requested to by law enforcement.

B. Contact Information

1. External (S.F.) resources to report criminal conduct

Zuckerberg San Francisco General Hospital
1001 Potrero Avenue
415-206-8000 (general information)
<http://zuckerbergsanfranciscogeneral.org>

San Francisco General is the only facility in San Francisco providing services for victims of sexual assault, including rape kits, medications, etc., free of charge. The hospital is required by law to report an incident of a sexual offense to the San Francisco Police Department (SFPD). A decision by the victim to press formal charges does not have to be made at the time of the visit to the hospital.

San Francisco Police Department
SFPD may be contacted either by calling 911 (for emergencies only) or for non-emergency situations:
415-553-0123
<http://sanfranciscopolice.org/>

Tenderloin District
301 Eddy Street
415-345-7300

Additional resources for those who have experienced sexual assault, violence, or other forms of gender or sex discrimination are listed in the Resources section, at the end of this document, and on the Hub.

2. Internal resources to report prohibited sexual conduct

Contact information for the current Minerva Title IX Coordinator is:

Susan Christopher, PhD
415-551-2512
tix@minerva.kgi.edu
Minerva Schools at KGI
1145 Market Street, 9th Floor
San Francisco, CA 94103

In the event that an incident involves alleged misconduct by the Title IX Coordinator at Minerva, reports should be made directly to the Chief Student Affairs Officer:

Teri Cannon
510-219-1977
teri@minerva.kgi.edu
Minerva Schools at KGI
1145 Market Street, 9th floor
San Francisco, CA 94103

If you have questions regarding these policies, or your rights under Title IX, you may also contact the U.S. Department of Education:

Office for Civil Rights, San Francisco Office
U.S. Department of Education
50 United Nations Plaza
Mail Box 1200, Room 1545

San Francisco, CA 94102
415-486-5555
ocr.sanfrancisco@ed.gov

C. Other Reporting Considerations

1. Advisors

Any individual who makes a Report and/or Formal Complaint to the Title IX Coordinator may have an Advisor accompany them at all stages of the process. The only context in which an Advisor is required is at a Hearing that occurs in response to allegations of Sexual Harassment, under the jurisdiction of Title IX regulations. In these circumstances, Advisors have the obligation to cross-examine others on behalf of their advisee.

An Advisor may be a friend, mentor, family member, Minerva staff person, attorney, or any other person, as long as they are not also official participants in the Investigation process, with the exception to this restriction being that an Advisor may be a Witness in an Investigation and/or Hearing. Depending on their relationship to Minerva, an Advisor may be required to follow FERPA guidelines.

An Advisor may provide advice to a Complainant or Respondent, in addition to emotional support, but they may not represent a Complainant or Respondent during an Investigation process, nor may they present evidence on behalf of a Complainant or Respondent at a Hearing. Additionally, meeting times will not be scheduled solely to accommodate an Advisor, and the Title IX Coordinator retains discretion with regard to any direct communications with Advisors, as long as the same treatment is allowed for both Complainant and Respondent.

If, during the Investigation or Hearing process, an Advisor interferes unreasonably, a single warning will be given. In response to any subsequent disruption, the Advisor will be asked to leave the meeting or Hearing. The only circumstances in which Minerva is required to replace an Advisor is during a Hearing that occurs under the jurisdiction of Title IX regulations.

2. Anonymous Reports

Any individual may make an anonymous report concerning an act of Sexual Harassment or Prohibited Sexual Conduct, with or without disclosing the name of

the alleged Respondent. However, Minerva's ability to respond to such a report is limited by lack of information about the incident(s) or the individuals involved. The Title IX Coordinator will determine what steps to take in response to an anonymous report, including community-wide remedies, as appropriate.

3. Amnesty Policy

Any student who participates in an initial Report, a Formal Complaint, and/or an Investigation of Sexual Harassment or Prohibited Sexual Conduct, regardless of their role, will not be subject to disciplinary action by Minerva for specific conduct violations related to the consumption of alcohol or other drugs in the context of the reported incident(s). This policy is intended to encourage reporting of Sexual Harassment and Prohibited Sexual Conduct in a complete and forthright manner. However, this amnesty does not apply to other forms of student conduct violations, including prohibited academic conduct or violations of the honor code, nor does it prevent Minerva from responding to violations of student conduct that place the safety or health of other individuals at risk. Furthermore, being intoxicated due to alcohol or other drugs is not a defense to any violation of these policies, and does not diminish one's responsibility with regard to obtaining consent for any sexual activity with another person.

4. False Reports

It is a violation of this policy to knowingly make a false allegation or to knowingly provide false information regarding a Complaint of Sexual Harassment or Prohibited Sexual Conduct. A Complainant or Third-Party Reporter may be subject to appropriate Sanctions, as defined by student or employee conduct policies, if it is determined that they made a False Report, knowingly fabricated allegations, or gave false information with malicious intent or in bad faith. However, a good-faith Report or Complaint that results in a finding of "not responsible" is not considered a false Report.

5. Multiple Parties

If the Title IX Coordinator determines that an allegation of Sexual Harassment or Prohibited Sexual Conduct includes more than one Respondent, these allegations may be investigated together as a single matter and institute a single resolution process. Similarly, when the Title IX Coordinator determines that there are multiple allegations of Sexual Harassment or Prohibited Sexual Conduct involving one Respondent by more than one Complainant, the Title IX Coordinator may

investigate the events together as a single matter and institute a single Investigation and Resolution process. In such cases, the procedures described here relating to a singular Complainant or Respondent should be understood to apply to the plural case.

6. Reports from Third-Party Sources

Incidents may be initially reported to the Title IX Coordinator by Third Parties. If the Third Party is a Mandated Reporter, they will be expected to provide as much detail as they know regarding an alleged incident of Sexual Harassment or Prohibited Sexual Conduct. If the Third Party is a Witness to an incident, but not a Mandated Reporter, they may choose to provide whatever information they choose to the Title IX Coordinator. Generally, information that is revealed in the context of climate surveys, classroom assignments or discussions, research projects, or events such as workshops and fishbowl exercises, does not represent notice of conduct that must be reported to the Title IX Coordinator. However, any staff or faculty member with concerns about Sexual Harassment or Prohibited Sexual Conduct should notify the Title IX Coordinator. Remedial actions may be pursued without taking official actions such as a Formal Investigation.

VII. INVESTIGATION PROCESS FOR TITLE IX/SEXUAL HARASSMENT COMPLAINTS

The process described in this section applies to any Formal Complaints of Sexual Harassment that fall within the jurisdiction of Title IX regulations, as described above. This jurisdiction applies to individuals who are employed by Minerva, enrolled at Minerva as students in programs or activities under Minerva's direct control, and to alleged policy violations that have taken place within the United States. When a Formal Complaint is made that does not fall within these jurisdictional requirements, the Title IX Coordinator will dismiss the Formal Complaint, as required, and may proceed under the Investigation Process described in the next section, pertaining to (non-Title IX) Prohibited Sexual Conduct Complaints.

In the process of investigating and resolving any report of Sexual Harassment, Minerva will proceed in a fair and impartial manner, treating all Parties equitably. As circumstances require, we may take immediate steps to avoid risk of harm to

all Parties and to the broader community, but we always take a position of presumed innocence with regard to whether or not an individual is responsible for the Sexual Harassment that is alleged.

Minerva aims to bring resolution within 60 business days of a Formal Complaint. This time period may be extended, as necessary, for appropriate cause by the Title IX Coordinator with notice to both the Complainant and the Respondent. If the Respondent is not a member of the Minerva community, we have no authority to conduct a grievance procedure, but we will take appropriate steps to end the Sexual Harassment, prevent its recurrence, and address its effect, as possible.

A. Initial Intake and Preliminary Inquiry

Initial reports of potential policy violations may reach the Title IX Coordinator through a number of means, including but not limited to: email, phone, text, online incident report form, or in person. Information may be provided by a Complainant directly, or by a Third-Party Reporter.

1. Initial Intake

During an initial intake meeting, the Title IX Coordinator begins the process of a Preliminary Inquiry, taking the following actions, as appropriate to the circumstances described by either a Complainant or Third-Party Reporter:

- a) Address the immediate safety and wellbeing of all individuals involved, including referrals to medical treatment as needed.*
- b) Notify the Complainant of their right to contact law enforcement (and their right to decline to do so), if appropriate, and offer support from Minerva staff in these communications.*
- c) Explain both confidential and non-confidential resources, including counseling services from CAPS, external victim advocacy services, and (non-confidential) support from other Minerva staff.*
- d) Provide an overview of the relevant policies and procedures, including the Amnesty Policy (regarding alcohol and drug use) and Retaliation Policy.*
- e) Document any information provided by the Complainant or Third-Party Reporter regarding the identity of the Respondent, the date, time, and location of the incident(s), the nature of the incident(s), the nature of any documentary or other evidence, and the identity of any Witnesses.*

- f) Offer any supportive measures deemed appropriate to the Complainant.*
- g) Determine the need to issue a timely warning, in accordance with Clery Act requirements.*
- h) Determine whether the allegations fall within or outside Title IX jurisdictional definitions.*
- i) If relevant, determine the Complainant's wishes with regard to making a Formal Complaint.*

2. Preliminary Inquiry

As soon as possible after the initial intake, *and only when a Formal Complaint has been filed*, the Title IX Coordinator will conduct a Preliminary Inquiry to determine if there is reasonable cause to believe that there has been a violation of the Sexual Harassment Policy, as defined by Title IX regulations.

This determination is at the discretion of the Title IX Coordinator, and may be based solely on the initial intake meeting, or may require additional interviews with relevant parties, including Witnesses. If the Title IX Coordinator determines that the Respondent must be interviewed as part of the Preliminary Inquiry, the Title IX Coordinator will provide the Respondent with written notice of the allegations with sufficient details and sufficient time to prepare for an initial interview. Written notice will also include a statement that the Respondent is not presumed responsible for the alleged policy violations at any stage of the Investigation or Hearing, until a final determination of responsibility is made.

If a Complainant withdraws a Formal Complaint, the Title IX Coordinator may decide to sign a Complaint themselves, independent of the Complainant. Under these circumstances, Minerva would still offer Support Measures to the Complainant, who reserves the right to later file a Formal Complaint.

If the Title IX Coordinator determines that the Respondent must be interviewed as part of the preliminary inquiry, the Title IX Coordinator will provide the Respondent with written notice of the allegations with sufficient details and sufficient time to prepare for an initial interview. Written notice will also include a statement that the Respondent is not presumed responsible for the alleged policy violations at any stage of the Investigation or Hearing, until a final determination of responsibility is made.

In cases where the Complainant does not wish for their name or other information about an incident to be shared, or does not wish for Minerva to take any formal action in response to the information shared in the Preliminary Investigation, the Title IX Coordinator will evaluate such requests in light of the duty to ensure the safety of the Minerva community and comply with the law. Generally, when a Complainant does not wish to pursue a Formal Investigation, Minerva will offer interim support and remedies to the Complainant and the community, but will not otherwise pursue formal action. The Complainant reserves the right to later waive confidentiality and request a Formal Investigation.

3. Outcome of Preliminary Inquiry

As a result of this Preliminary Inquiry, the Title IX Coordinator will make a threshold determination whether the allegations describe conduct that, if true, constitute a violation of any part of the Sexual Harassment Policy. If this threshold is not met, the Formal Complaint will be dismissed under the Title IX/Sexual harassment procedures. If the threshold also falls short in relation to the (non-Title IX) Prohibited Sexual Conduct standards, the Preliminary Inquiry will be stopped and the Complainant's Formal Complaint will be preserved by the Title IX Coordinator; this information may be considered in any future Investigations. If new evidence is provided at a later date, the Title IX Coordinator may reopen the Investigation process, initiating a Formal Investigation. The Title IX Coordinator may also recommend an Alternative, or Informal Resolution process, as described below, depending on the circumstances.

A Formal Complaint of Sexual Harassment may also be dismissed if the alleged conduct took place outside the boundaries of Minerva's control, or outside of the United States. In each of these cases, the Title IX Coordinator will inform the Complainant of options to pursue Alternative/Informal Resolutions, or to file a Complaint under Minerva's broader policy regarding (non-Title IX) Prohibited Sexual Conduct, or other Student Conduct policies, as appropriate. Minerva may also dismiss a Formal Complaint if the Respondent is no longer an enrolled student or employee. Any notice of dismissal will be sent, with an explanation for the dismissal, to both Parties promptly and simultaneously.

B. Alternative/Informal Resolution

Only after a Formal Complaint has been filed, an Alternative or Informal Resolution may be offered to a Complainant who alleges Sexual Harassment; an exception to this is when a Formal Complaint has been made by a student against an employee, which must be resolved through a Formal Investigation. The intention of an Informal Resolution is to provide an appropriate remedy to the Complainant in which equitable access to educational programs and activities is restored. Both Parties must voluntarily agree and provide the Title IX Coordinator with written consent to an Informal Resolution process.

The nature of an Informal Resolution is flexible, and will vary according to the specifics of any particular allegation. Typically, the Title IX Coordinator will ask the Complainant to provide a written description of the Complaint and any proposed resolution, within 5 business days after being notified of the outcome of the Preliminary Inquiry. The Respondent will receive a copy of this description and will have 5 business days to respond in writing.

The Title IX Coordinator will meet separately with both Parties to discuss potential alternative resolutions based on the Parties' statements and, if applicable, other information available. Not all Informal Resolutions are appropriate for all circumstances, and the Title IX Coordinator will identify appropriate and possible alternative resolution(s), which may include:

- Temporary or permanent contact restrictions between the Parties
- Change of a student's residence location
- Change of a student's work-study arrangements
- Change of an employee or contractor's work arrangements
- Change of a student's academic class assignments, or other academic accommodations
- Written apology from the Respondent
- Educational remedies

Either Party may request that an Informal Resolution be facilitated by an independent mediator. If both Parties and the Title IX Coordinator agree that use of a mediator would be appropriate and beneficial, the Title IX Coordinator may, at his or her sole discretion, select a qualified mediator who is not a member of the Minerva community to assist in the Informal Resolution process.

At any time during the Informal Resolution process, either Party or the Title IX Coordinator may suspend or terminate the mediator's involvement. The Parties may, by mutual agreement and the agreement of the Title IX Coordinator, continue with the Informal Resolution process even after suspension or termination of the mediator's involvement. Any Party, including the Title IX Coordinator, may terminate the entire Informal Resolution process at any time, in which case both the Complainant and the Respondent would be notified in writing and the Title IX Coordinator would describe the steps to be taken under a Formal Investigation.

If all Parties reach an agreement on an appropriate resolution, the Title IX Coordinator will issue a letter outlining the terms of the resolution to be distributed to both Parties.

C. Formal Investigation

A Notice of Investigation will be sent to all Parties when it is determined that a Formal Investigation is appropriate and/or required, describing all known details of the allegation(s) made, documenting any Support Measures available or in place, and explaining the Investigation and Hearing processes. The Notice will explain the right to an Advisor of choice for both Parties, the equal opportunity to provide Witnesses (including expert witnesses) to present evidence, and the protections of a fair, unbiased, impartial Investigation process, in which the Respondent is not presumed to have responsibility for a policy violation during the Investigation. The Notice will also explain prohibitions against knowingly making any false statements or knowingly providing false information. The Respondent will be offered the chance to meet with the Title IX Coordinator within 5 business days to review all relevant policies and procedures (including retribution and alcohol/drug amnesty policies) and address any questions they might have about these policies and procedures.

The Title IX Coordinator will either serve as Investigator or appoint an Investigator to conduct an impartial, fact-finding Investigation. Both Parties will be notified in writing of the name of the Investigator and have 3 business days to object in writing to the Chief Student Affairs Officer regarding the selection of the Investigator based on bias or conflict of interest. The Chief Student Affairs Officer will determine whether an objection is substantiated and will replace any

Investigator deemed to have bias against either Party or to have a conflict of interest.

The Complainant and Respondent have an equal opportunity to participate in the Formal Investigation. Specifically, the Parties have the right to give statements, provide evidence, and request that the Investigator meet with relevant Witnesses, and pose specific questions to Witnesses or the other Party. The Investigator has broad discretion in determining whether a Witness's statements or documentary evidence is relevant to a determination of responsibility for a policy violation.

1. Investigation Process

The Investigator will inform both Parties of the timeline and process of the Investigation, which will likely involve interviews with relevant Parties and possible Witnesses in order to obtain all relevant evidence. With permission, interviews will be recorded. The Investigator will create an Interview Summary and will share this document with each interviewee, who may provide corrections and/or comments. Both the Interview Summary and any comments from the interviewee will be part of the Investigation records.

Witnesses are expected to cooperate with and participate in the Formal Investigation process. Witnesses may provide written statements in lieu of interviews during the Investigation.

The Investigator may conduct follow-up interviews as testimonial and documentary evidence is collected. It is important that Investigations be thorough, reliable, fair, and impartial. Therefore, the Investigator will continue to collect evidence until they determine that the Investigation is complete. The Investigator will provide the Title IX Coordinator with a Preliminary Investigation Report, which will then be shared simultaneously with the Parties. The Preliminary Investigation Report shall include the Investigator's summary of the Investigation, the allegations at issue, all evidence related to the allegations, an assessment of the evidence with regard to both relevance and credibility, and a synthesis of relevant evidence leading to a recommended finding with regard to each allegation.

In response to the Preliminary Report, both Parties have 10 business days to provide written comments, which may include a request for a follow-up interview with the investigator to clarify or provide any additional information that such Party believes is relevant to the Investigation. Parties may also identify any new Witnesses who should be interviewed, provide any additional evidentiary materials that should be collected and reviewed to the extent that such items are reasonably available, and state any objections to information that such Party believes was inappropriately included in the Preliminary Report. If these written comments suggest that additional interviews or consideration of additional material evidence is needed, the Title IX Coordinator may determine that the Investigation process will be extended. After additional Investigation, or if no comments are provided, the Investigator will submit the Final Investigation Report to the Title IX Coordinator.

The Complainant and the Respondent will receive the Final Investigation Report simultaneously and without undue delay. Neither Party, nor any Advisors, may copy, remove, photograph, print, image, videotape, record, or in any manner duplicate or share the information provided to the Parties. Both Parties will also be informed about next steps, as applicable. A Hearing will be scheduled no sooner than 10 business days and no later than 20 business days after the Parties receive the Final Investigation Report.

2. Additional Considerations

The role of the Title IX Coordinator is to remain impartial, unbiased, and fair, protecting all Parties' rights of due process and according equal dignity to all Parties involved in an Investigation of Prohibited Sexual Conduct. Furthermore, all Parties have the right to expect that their privacy will be protected to the degree possible, and as outlined in this policy. The Complainant and the Respondent will be regularly apprised of the status of the Investigation as it unfolds, including information about any necessary delays.

A Formal Investigation may be resolved at any time if the Respondent chooses to admit responsibility for all of the alleged policy violations. In this case, the Title IX Coordinator will issue a letter to the Parties noting that the individual has accepted responsibility for all allegations and recommend appropriate Sanctions to the Dean of Student (for Respondents who are students) or the Chief Financial Officer (for Respondents who are employees or contractors). If the proposed

Sanctions are accepted by both Complainant and Respondent, the appropriate Sanctions Officer will implement Sanctions and the Investigation will be closed. If either Party does not accept the Informal Resolution, the Formal Investigation process will continue to completion as described here.

VIII. INVESTIGATION PROCESS FOR (NON-TITLE IX) PROHIBITED SEXUAL CONDUCT COMPLAINTS

This section of the PSC policy pertains to any allegation of Prohibited Sexual Conduct that does not fall within the jurisdiction of Title IX regulations, as described above. Generally, this applies if:

- the alleged conduct falls outside of Title IX jurisdiction, whether because it involves an allegation of conduct that falls outside of the definition of Sexual Harassment under Title IX regulations, but within the definition of Prohibited Sexual Conduct, or
- the alleged conduct involves an allegation of any form of Prohibited Sexual Conduct that takes place outside of the United States.

In the process of investigating and resolving any report of Prohibited Sexual Conduct, Minerva will proceed in a fair and impartial manner, treating all Parties equitably. As circumstances require, we may take immediate steps to avoid risk of harm to all Parties and to the broader community, but take a position of presumed innocence with regard to whether or not an individual is responsible for the Prohibited Sexual Conduct that is alleged.

Minerva aims to bring resolution within 60 business days of a Formal Complaint. This time period may be extended, as necessary, for appropriate cause by the Title IX Coordinator with notice to both the Complainant and the Respondent.

If the Respondent is not a member of the Minerva community, we will take appropriate steps to end the Prohibited Conduct, prevent its recurrence, and address its effect, as possible.

A. Initial Intake and Preliminary Inquiry

1. Initial Intake

During an initial intake meeting, the Title IX Coordinator begins the process of a Preliminary Inquiry, taking the following actions, as appropriate to the circumstances described by either a Complainant or Third Party:

- a) Address the immediate safety and wellbeing of all individuals involved, including referrals to medical treatment as needed.*
- b) Notify the Complainant of their right to contact law enforcement (and their right to decline to do so), if appropriate, and offer support from Minerva staff in these communications.*
- c) Inform the Complainant of both confidential and non-confidential resources, including counseling services from CAPS, external victim advocacy services, and (non-confidential) support from other Minerva staff.*
- d) Provide an overview of the relevant policies and procedures, including the Amnesty Policy (regarding alcohol and drug use) and Retaliation Policy.*
- e) Document any information provided by the Complainant or Third-Party Reporter regarding the identity of the Respondent, the date, time, and location of the incident(s), the nature of the incident(s), the nature of any documentary or other evidence, and the identity of any Witnesses.*
- f) Offer any supportive measures deemed appropriate to the Complainant.*
- g) Determine the need to issue a timely warning, in accordance with Clery Act requirements.*
- h) Determine whether the allegations fall within or outside Title IX jurisdictional definitions.*
- i) If relevant, determine the Complainant's wishes with regard to making a Formal Complaint.*

2. Preliminary Inquiry

In the case of alleged Prohibited Sexual Conduct that is not within the jurisdiction of Title IX regulations, a Preliminary Inquiry may take place without a Formal Complaint. As soon as possible after the initial intake, the Title IX Coordinator will conduct a Preliminary Inquiry to determine if there is reasonable cause to believe that there has been a violation of the Prohibited Sexual Conduct Policy.

This determination is at the discretion of the Title IX Coordinator, and may be based solely on the initial intake meeting, or may require additional interviews

with relevant Parties, including Witnesses. If the Title IX Coordinator determines that the Respondent must be interviewed as part of the preliminary inquiry, the Title IX Coordinator will provide the Respondent with written notice of the allegations with sufficient details and sufficient time to prepare for an initial interview. Written notice will also include a statement that the Respondent is not presumed responsible for the alleged policy violations at any stage of the Investigation or Hearing, until a final determination of responsibility is made.

If a Complainant withdraws a Formal Complaint, the Title IX Coordinator may decide to sign a Complaint themselves, independent of the Complainant. Under these circumstances, Minerva would still offer Support Measures to the Complainant, who reserves the right to later file a Formal Complaint.

If the Title IX Coordinator determines that the Respondent must be interviewed as part of the preliminary inquiry, the Title IX Coordinator will provide the Respondent with written notice of the allegations with sufficient details and sufficient time to prepare for an initial interview. Written notice will also include a statement that the Respondent is not presumed responsible for the alleged policy violations at any stage of the Investigation or Hearing, until a final determination of responsibility is made.

In cases where the Complainant does not wish for their name or other information about an incident to be shared, or does not wish for Minerva to take any formal action in response to the information shared in the Preliminary Investigation, the Title IX Coordinator will evaluate such requests in light of the duty to ensure the safety of the Minerva community and comply with the law. Generally, when a Complainant does not wish to pursue a Formal Investigation, Minerva will offer interim support and remedies to the Complainant and the community, but will not otherwise pursue formal action. The Complainant reserves the right to later waive confidentiality and request a Formal Investigation.

3. Outcome of Preliminary Inquiry

As a result of this Preliminary Inquiry, the Title IX Coordinator will make two threshold determinations:

- a) *Do the allegations describe conduct that, if true, constitute a violation of any part of the Prohibited Sexual Conduct Policy?*
- b) *If so, should resolution be pursued through informal or formal means?*

If the first threshold is not met, the inquiry process will be stopped, although the Complainant may still file a Formal Complaint that will be preserved by the Title IX Coordinator, and may seek external remedies through the law enforcement or judicial system. The Title IX Coordinator may dismiss a Formal Complaint if the Respondent is no longer an enrolled student or employee. In any case, a record will be kept of the Preliminary Inquiry in an internal Minerva database and this information may be considered in any future Investigations. If new evidence is provided at a later date, the Title IX Coordinator may reopen the Investigation process. The Title IX Coordinator may also recommend an informal, voluntary mediation process, as described below, depending on the circumstances.

B. ALTERNATIVE/INFORMAL RESOLUTION

If the first threshold is met, the Title IX Coordinator will determine whether the report may, at the choice of the Parties, proceed through Informal Resolution. Informal Resolution is generally not an option in cases alleging sexual assault or violence, and it may not be used when a Formal Complaint has been made by a student against an employee. The intention of an Informal Resolution is to provide an appropriate remedy to the Complainant in which equitable access to educational programs and activities is restored. Both Parties must voluntarily agree and provide the Title IX Coordinator with written consent to an Informal Resolution process. Informal Resolutions are not intended to resolve incidents that meet the definitional and jurisdictional requirements for an Investigation of Sexual Harassment as defined under Title IX regulations, and that should be resolved according to the procedures previously described for Sexual Harassment allegations.

The nature of Informal Resolution is flexible, and will vary according to the specifics of any particular allegation. Typically, the Title IX Coordinator will ask the Complainant to provide a written description of the grievance and any proposed Resolution within 5 business days after being notified of the outcome of the preliminary inquiry. The Respondent will receive a copy of this description and will have 5 business days to respond in writing.

The Title IX Coordinator will meet separately with both Parties to discuss potential Informal Resolutions based on the Parties' statements and (if applicable) other information available, and to identify possible alternative resolution(s). Possible resolutions include:

- Temporary or permanent contact restrictions between the Parties
- Change of a student's residence location
- Change of a student's work-study arrangements
- Change of an employee or contractor's work arrangements
- Change of a student's academic class assignments, or other academic accommodations
- Written apology from the Respondent
- Educational remedies

Either Party may request that the Informal Resolution be facilitated by an independent mediator. If both Parties and the Title IX Coordinator agree that use of a mediator would be appropriate and beneficial, the Title IX Coordinator may, at his or her sole discretion, select a qualified mediator who is not a member of the Minerva community to assist in the Informal Resolution process. At any time during the Informal Resolution process, either Party or the Title IX Coordinator may suspend or terminate the mediator's involvement. The Parties may, by mutual agreement and the agreement of the Title IX Coordinator, continue with the Informal Resolution process even after suspension or termination of the mediator's involvement.

If all Parties reach an agreement on an appropriate Resolution, the Title IX Coordinator will issue a letter outlining the terms of the Resolution to be distributed to both Parties. Any Party, including the Title IX Coordinator, may terminate the Informal Resolution process at any time, in which case both the Complainant and the Respondent would be notified in writing and the Title IX Coordinator would describe the steps to be taken under a Formal Investigation.

C. FORMAL INVESTIGATION

A Notice of Investigation will be sent to all Parties when it is determined that a Formal Investigation is appropriate and/or required, describing all known details of the allegation(s) made, documenting any Support Measures available or in

place, and explaining the Investigation and Hearing processes. The Notice will explain the right to an Advisor of choice for both Parties, the equal opportunity to provide Witnesses (including expert witnesses) to present evidence, and the protections of a fair, unbiased, impartial Investigation process, in which the Respondent is not presumed to have responsibility for a policy violation during the Investigation. The Notice will also explain prohibitions against knowingly making any false statements or knowingly providing false information. The Respondent will be offered the chance to meet with the Title IX Coordinator within 5 business days to review all relevant policies and procedures (including retribution and alcohol/drug amnesty policies) and address any questions they might have about these policies and procedures.

The Title IX Coordinator will either serve as Investigator or appoint an Investigator to conduct an impartial, fact-finding Investigation. Both Parties will be notified in writing of the name of the Investigator and have 3 business days to object in writing to the Chief Student Affairs Officer regarding the selection of the Investigator based on bias or conflict of interest. The Chief Student Affairs Officer will determine whether an objection is substantiated and will replace any Investigator deemed to have bias against either Party or to have a conflict of interest.

The Complainant and Respondent have an equal opportunity to participate in the Investigation. Specifically, both Parties have the right to give statements, provide evidence, and request that the Investigator meet with relevant Witnesses, and pose specific questions to Witnesses or the other Party. The Investigator has broad discretion in determining whether a Witness's statements or documentary evidence is relevant to a determination of responsibility for a policy violation.

1. Investigation Process

The Investigator will inform both Parties of the timeline and process of the Investigation, which will likely involve interviews with relevant Parties and possible Witnesses in order to obtain all relevant evidence. With permission, interviews may be recorded. The Investigator will create an Interview Summary and will share this document with each interviewee, who may provide corrections and/or comments. Both the Interview Summary and any comments from the interviewee will be part of the Investigation records. Witnesses are expected to

cooperate with and participate in the Formal Investigation process. Witnesses may provide written statements in lieu of interviews during the Investigation.

The Investigator may conduct follow-up interviews as testimonial and documentary evidence is collected. It is important that Formal Investigations be thorough, reliable, fair, and impartial. Therefore, the Investigator will continue to collect evidence until they determine that the Investigation is complete. The Investigator will provide the Title IX Coordinator with a Preliminary Investigation Report, which will then be shared simultaneously with the Parties. The Preliminary Investigation Report shall include the Investigator's summary of the Investigation, the allegations at issue, all evidence related to the allegations, an assessment of the evidence with regard to both relevance and credibility, and a synthesis of relevant evidence leading to a recommended finding with regard to each allegation.

In response to the Preliminary Report, both Parties have 10 business days to provide written comments, which may include a request for a follow-up interview with the investigator to clarify or provide any additional information that such Party believes is relevant to the Investigation. Parties may also identify any new Witnesses who should be interviewed, provide any additional evidentiary materials that should be collected and reviewed to the extent that such items are reasonably available, and state any objections to information that such Party believes was inappropriately included in the Preliminary Report. If these written comments suggest that additional interviews or consideration of additional material evidence is needed, the Title IX Coordinator may determine that the Investigation process will be extended. After additional Investigation, or if no comments are provided, the Investigator will submit the Final Investigation Report to the Title IX Coordinator.

The Complainant and the Respondent will receive the Final Investigation Report simultaneously and without undue delay. Neither Party, nor any Advisors, may copy, remove, photograph, print, image, videotape, record, or in any manner duplicate or remove the information provided to the Parties. Both Parties will also be informed about next steps, as applicable. A Hearing will be scheduled no sooner than 10 business days and no later than 20 business days after the Parties receive the Final Investigation Report.

2. Additional Considerations

The role of the Title IX Coordinator is to remain impartial, unbiased, and fair, protecting all Parties' rights of due process and according equal dignity to all Parties involved in an Investigation of Prohibited Sexual Conduct. Furthermore, all Parties have the right to expect that their privacy will be protected to the degree possible, and as outlined in this policy. The Complainant and the Respondent will be regularly apprised of the status of the Investigation as it unfolds, including information about any necessary delays.

A Formal Investigation may be resolved at any time if the Respondent chooses to admit responsibility for all of the alleged policy violations. In this case, the Title IX Coordinator will issue a letter to the Parties noting that the individual has accepted responsibility for all allegations and recommend appropriate Sanctions to the Dean of Student (for Respondents who are students) or the Chief Financial Officer (for Respondents who are employees or contractors). If the proposed Sanctions are accepted by both Complainant and Respondent, the appropriate Sanctions Officer will implement Sanctions and the Investigation will be closed. If either Party does not accept the Informal Resolution, the Formal Investigation process will continue to completion as described here.

IX. HEARING AND APPEAL PROCEDURES FOR TITLE IX/SEXUAL HARASSMENT COMPLAINTS

A. **Elements of Hearing Process**

1. Hearing Panel

At the conclusion of the Investigation process, a Hearing Panel will be appointed by the Title IX Coordinator, made up of three professional Minerva staff or faculty members, one of whom will act as Chair. The Title IX Coordinator will participate as a non-voting advisor to the Chair and serve as Hearing Officer, to provide administrative support and assure that all rules are being followed, and that all participants rights to fair and equitable treatment are protected. Each appointed Panel member will have at least eight hours of training relevant to Investigations and Hearings under Title IX regulations, as defined in this policy; they will take care during the Hearing process to follow trauma-informed guidelines in recognition of the potential stress placed on all Parties. Panelists will also be trained on any technologies used during the Hearing process. All Hearings will be

conducted via online platforms and all proceedings will be recorded, except for the panel's deliberation process.

The purposes of the Hearing are to consider the Investigation Report, to make determinations regarding policy violation(s), and to make recommendations with regard to appropriate Sanctions for any finding of policy violations. The Title IX Coordinator will set a date and time for the Panel to meet, no sooner than 10 business days and no later than 20 business days after distribution of the Investigation Report. The Investigator, the Title IX Coordinator, all Parties, their Advisors, and Witnesses (if any) must be available and present at the Hearing. The Hearing is not open to anyone else and is conducted by videoconference, and recorded on that platform.

The Panelists will consider the Formal Investigation Report, including all relevant documentary evidence, and written statements from the Parties. If any Panelist believes that the Investigator's Report is incomplete or inadequate, they may require that the Investigator amend the Report to address specific questions or concerns after appropriate consideration of statements or evidence as necessary. If either Party chooses not to participate in the Investigation, they cannot present new evidence at the Hearing and the Panel will consider only the evidence from the Investigation Report. If the Respondent has participated in the Investigation, but refuses to participate in the Hearing, the Panel will consider the evidence from the Investigation Report as well as testimony of the Complainant during the Hearing. If the Complainant has participated in the Investigation, but refuses to participate in the Hearing, the Panel may consider the evidence from the Investigation Report as well as testimony of the Respondent during the Hearing, but they may also determine that they are not able to make decisions with regard to any policy violation, and the process would be suspended. At this point, the Title IX Coordinator may make a threat assessment and decide to sign a Formal Complaint against the Respondent.

2. Cross-Examination

In preparation for the cross-examination period during a Hearing, each Party may submit questions they would like posed to the other Party, and/or to Witnesses; these must be submitted to the Title IX Coordinator or Panel Chair 5 business days before the live Hearing. In consultation with the Title IX Coordinator, the Chair will determine whether any of these questions must be excluded based on relevance

and will inform the Party of these determinations, providing a rationale in each case. Both Parties also have the right to pose new questions during the Hearing, although these questions must be approved by the Chair before a response is made; therefore, the Hearing will be paused for the Chair of the Hearing Panel to determine, possibly in consultation with the Hearing Office or other Panelists, the relevance of the question and to either approve or provide an explanation for exclusion.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

3. Advisors

Both Complainant and Respondent must have an Advisor at the Hearing. This may be someone who served in a supportive role throughout the Investigation process, or it may be a different person. Advisors may be a friend, mentor, family member, Minerva staff person, attorney, or any other person, as long as they are not also official participants in the Investigation process; the only exception to this restriction is that an Advisor may also be a Witness. For any Party that does not select an Advisor on their own, Minerva will provide an Advisor to serve in this role from a pool of trained staff and faculty members at Minerva. Depending on their relationship to Minerva, an Advisor may be required to follow FERPA guidelines.

The Advisor for each Party has the responsibility for posing questions that Party wishes to pose to the other Party and Witnesses. These questions must first be approved by the Panel Chair with regard to relevance. The Advisor may not make a presentation nor represent the Party to whom they are assigned during the meeting. The Advisors and the Parties may request time to confer, as needed and within reason, throughout the Hearing.

If, during the Hearing process, an Advisor interferes or acts in any way that creates a distraction, the Chair of the Panel may ask an Advisor to turn off their video camera, and a single warning will be given. In response to any subsequent

disruption, the Advisor will be asked to leave the Hearing. In this case, Minerva is required to replace that Advisor; if that cannot be accomplished during the scheduled Hearing time, the Hearing may need to be temporarily suspended and rescheduled.

4. Procedural Guidelines

At the Hearing, the Panelists will pose questions to the Parties and the Witnesses, as they deem necessary in order to reach fair and equitable decisions. The Advisor for each Party may also pose questions to the other Party and to any Witnesses. The Chair of the Panel will make all determinations with regard to the relevance of questions that have been proposed by the Parties, and will provide a rationale for any questions that are excluded. Both Parties will be expected to be present during the Hearing, but may turn off video cameras when not responding to questions. Witnesses will be asked to be available during the scheduled time of the Hearing, but will only be present at the Hearing when being asked questions by the Panel or by one of the Advisors.

The Chair will determine appropriate ordering of the questioning process, and may reserve the right to ask questions of the Investigator throughout the Hearing process, but will generally follow this sequence:

- The Title IX Coordinator, serving as Hearing Officer, opens the Hearing, makes introductions, and reviews the guidelines for the Hearing process.
- The Chair will begin questioning of the Investigator, followed by questioning of the Investigator by other Panelists.
- The Chair will begin questioning of the Complainant, followed by questioning of the Complainant by other Panelists, and questioning of the Complainant by the Respondent's Advisor.
- The Chair will begin questioning of the Respondent, followed by questioning of the Respondent by other Panelists, and questioning of the Respondent by the Complainant's Advisor.
- The Chair will begin questioning of any Witnesses, followed by questioning of any Witnesses by other Panelists, and questioning of any Witnesses by the Complainant's Advisor, and questioning of any Witnesses by the Respondent's Advisor.
- The Complainant will have five minutes to make a closing statement.
- The Respondent will have five minutes to make a closing statement.

The Chair will conclude the Hearing, suspend the recording, and the Panel will determine a meeting time for their deliberations.

5. Determining Responsibility for Policy Violations

The Panelists will use a Preponderance of Evidence standard to determine whether it is more likely than not that the Respondent violated the policies summarized in the Investigation Report. In making their decisions, the Panel may only consider evidence that has been subjected to cross-examination during the Hearing.

The Panel must reach a majority decision with respect to each alleged policy violation, as well as recommended Sanctions, if any. The rationale for each decision will be provided in a written document called the Panel Report. This report will be sent to the Title IX Coordinator who will review the Report in light of accuracy, privacy, and fairness.

If the Respondent is not found responsible for any policy violation, the Panel Report will be sent only to the Complainant and the Respondent. Either Party will have 5 business days to file an appeal, as described below.

If the Respondent is found to be responsible for one or more policy violations, the Title IX Coordinator will forward the Report to the Director of Student Affairs (for decisions made about students) or the Chief Financial Officer (for decisions made about employees and contractors), as well as to the Complainant and the Respondent. The Report must include a description of the allegations and relevant policy definitions, a description of the procedural steps taken from receipt of the Formal Complaint through the Investigation process, the Hearing Panel's determination of findings, findings of fact that support the Panel's determination, conclusions regarding the application of this policy to the facts, the rationale for recommended Sanctions and any remedies designed to restore or preserve to the Complainant equal access to Minerva's educational programs and activities. Both Parties will also be provided with an explanation of their right to appeal these decisions within 5 business days, as delineated below.

6. Sanctions

If a Respondent is found responsible for one or more policy violations, the decision-maker for Sanctions will issue a Sanction Letter, no later than 5 business days after the Panel Report is distributed. The possible Sanctions are as follows:

For students:

- Warning
- Required Training or Education
- Removal from Minerva Housing
- Exclusion from Specific Minerva Student Activities
- Probation
- Suspension*
- Expulsion*
- Withholding Diploma*
- Revocation of Degree*

*These outcomes will be noted on the student's permanent record or transcript.

For employees:

- Warning
- Required Training or Education Demotion
- Suspension without Pay Suspension with Pay Termination

In addition to these forms of Sanctions, a Hearing Panel may, in consultation with the Title IX Coordinator, recommend other appropriate remedial actions, such as, but not limited to, sexual harassment awareness programming, employee training, or a campus culture survey.

B. Appeal Process

Both Complainant and Respondent have the right to appeal a final determination of a Hearing Panel, or a dismissal of a Formal Complaint. An appeal must be made within 5 business days of receiving written confirmation of the decision. The appeal must be made in writing and submitted to the Appeal Officer, and it should describe the rationale for modifying any determinations of the Hearing Panel. The Appeal Officer for appeals from students is the Chief Student Affairs Officer, or designee; the Appeal Officer for appeals from employees is the Chief Academic Officer, or designee.

An Appeal is not intended to be full reconsideration of the original allegations and evidence, and is not an opportunity for the Appeal Officer to substitute their judgment for that of the Hearing Panel merely because they disagree with the outcome. An appeal may be made only on the basis of:

- Clear procedural irregularity that significantly affected the outcome of the Investigation or Hearing process, or
- New evidence that was not reasonably available at the time of the Investigation or Hearing that could affect the outcome of the Hearing, or
- A conflict of interest or bias on the part of the Title IX Coordinator, Investigator, or Hearing Panelists

When an appeal is filed by one Party, the other Party will be notified. The Appeal Officer will offer both Parties equal opportunity to submit a written statement in support of, or challenging the appeal. Within 10 business days of receipt of an appeal, the Appeal Officer will distribute a written decision describing the result of the appeal and the rationale for that result, simultaneously, to both Parties.

The Appeal Officer may dismiss the appeal because it is untimely or does not meet the standards for an appeal under this Policy, or may grant the appeal based on one or more of the listed criteria. If the appeal is granted, the Appeal Officer may order further investigation or reconsideration by the same Investigator and Hearing Panel, unless it is determined that a new Investigator or Hearing Panel is required to prevent bias.

The outcome of a reconvened Investigation or Hearing is final and cannot be appealed. Any Sanctions already imposed will be in effect during the appeal process and will be modified only if ordered by the Appeal Officer. Both Complainant and Respondent will be notified of the outcome of an appeal, simultaneously and without undue delay.

X. HEARING AND APPEAL PROCEDURES FOR (NON-TITLE IX) PROHIBITED SEXUAL CONDUCT COMPLAINTS

A. Elements of Hearing Process

1. Hearing Panel

At the conclusion of the Investigation process, a Hearing Panel will be appointed by the Title IX Coordinator, made up of three professional Minerva staff or faculty members, one of whom will act as Chair. The Title IX Coordinator will participate as a non-voting advisor to the Chair and serve as Hearing Officer, to provide administrative support and assure that all rules are being followed, and that all participants rights to fair and equitable treatment are protected. Each appointed Panel member will have at least eight hours of training relevant to Investigations and Hearings under Title IX regulations as well as in a broader context of Prohibited Sexual Conduct, as defined in this policy. All Hearings will be conducted via online platforms and all proceedings will be recorded, except for the panel's deliberation process.

The purposes of the Hearing are to consider the Investigation Report, to make determinations regarding policy violation(s), and to make recommendations with regard to appropriate Sanctions for any finding of policy violations. The Title IX Coordinator will set a date and time for the Panel to meet, no sooner than 10 business days and no later than 20 business days after distribution of the Investigation Report. The Investigator, the Title IX Coordinator, all Parties, their Advisors (if any), and Witnesses (if any) must be available and present at the Hearing. The Hearing is not open to anyone else and is conducted by videoconference, and recorded on that platform.

The Panelists will consider the Formal Investigation Report, including all relevant documentary evidence, and written statements from the Parties. If any Panelist believes that the Investigation Report is incomplete or inadequate, they may require that the Investigator amend the Report to address specific questions or concerns after appropriate consideration of statements or evidence as necessary.

If either Party chooses not to participate in the Investigation, they cannot present new evidence at the Hearing and the Panel will consider only the evidence from the Investigation Report. If the Respondent has participated in the Investigation, but refuses to participate in the Hearing, the Panel will consider the evidence from the Investigation Report as well as testimony of the Complainant during the Hearing. If the Complainant has participated in the Investigation, but refuses to participate in the Hearing, the Panel may consider the evidence from the

Investigation Report as well as testimony of the Respondent during the Hearing, but they may also determine that they are not able to reach a decision with regard to any policy violation, and the process would be suspended.

The date of the Panel's meeting will be confirmed with the Parties and the Parties shall have the right to provide written statements in response to the final version of the Investigation Report. They may also submit questions that they would like the Panel to pose to the other Party. These written statements and proposed questions are due to the Title IX Coordinator at least 24 hours prior to the scheduled time of the Hearing.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

2. Advisors

The Complainant and Respondent both have the right to an Advisor, who may be a friend, mentor, family member, Minerva staff person, attorney, or any other person, as long as they are not also official participants in the Investigation process; the only exception to this restriction is that an Advisor may also be a Witness. Depending on their relationship to Minerva, an Advisor may be required to follow FERPA guidelines. An Advisor may provide advice to a Complainant or Respondent, as well as emotional support, but they may not represent a Complainant or Respondent, nor may they speak during the Hearing.

If, during the Hearing process, an Advisor interferes or acts in any way that creates a distraction, the Chair of the Panel may ask an Advisor to turn off their video camera, and a single warning will be given. In response to any subsequent disruption, the Advisor will be asked to leave the Hearing. (Minerva is not required to replace an Advisor during a Hearing that occurs outside the jurisdiction of Title IX regulations.)

3. Procedural Guidelines

At the Hearing, the Panelists will question the Parties and the Witnesses, as they deem necessary in order to reach fair and equitable decisions. The Chair of the Panel will make all determinations with regard to the relevance of questions that have been proposed by the Parties, and will provide a rationale for any questions that are excluded. Both Parties will be expected to be present during the Hearing, but may turn off video cameras when not responding to questions. Witnesses will be asked to be available during the scheduled time of the Hearing, but will only be present at the Hearing when being asked questions by the Panel or by one of the Advisors.

The Chair will determine appropriate ordering of the questioning process, and may reserve the right to ask questions of the Investigator throughout the Hearing process, but will generally follow this sequence:

- The Title IX Coordinator, serving as Hearing Officer, opens the Hearing, makes introductions, and reviews the guidelines for the Hearing process.
- The Chair will begin questioning of the Investigator, followed by questioning of the Investigator by other Panelists.
- The Chair will begin questioning of the Complainant, followed by questioning of the Complainant by other Panelists.
- The Chair will begin questioning of the Respondent, followed by questioning of the Respondent by other Panelists.
- The Chair will begin questioning of any Witnesses, followed by questioning of any Witnesses by other Panelists.
- The Complainant will have five minutes to make a closing statement.
- The Respondent will have five minutes to make a closing statement.

The Chair will conclude the Hearing, suspend the recording, and the Panel will determine a meeting time for their deliberations.

4. Determining Responsibility for Policy Violations

The Panelists will use a Preponderance of Evidence standard to determine whether it is more likely than not that the Respondent violated the policies summarized in the Investigation Report. The Panel must reach a majority decision with respect to each alleged policy violation, as well as recommended Sanctions, if any. The rationale for each decision will be provided in a written document

called the Panel Report. This report will be sent to the Title IX Coordinator who will review the Report in light of accuracy, privacy, and fairness.

If the Respondent is not found responsible for any policy violation, the Panel Report will be sent only to the Complainant and the Respondent. Either Party will have 5 business days to file an appeal, as described below.

If the Respondent is found to be responsible for one or more policy violations, the Title IX Coordinator will forward the Report to the Director of Student Affairs (for decisions made about students) or the Chief Financial Officer (for decisions made about employees and contractors), as well as to the Complainant and the Respondent. The Report must include a description of the allegations and relevant policy definitions, a description of the procedural steps taken from receipt of the Formal Complaint through the Investigation process, the Hearing Panel's determination of findings, findings of fact that support the Panel's determination, conclusions regarding the application of this policy to the facts, the rationale for recommended Sanctions and any remedies designed to restore or preserve to the Complainant equal access to Minerva's educational programs and activities. Both Parties will also be provided with an explanation of their right to appeal these decisions within 5 business days, as delineated below.

5. Sanctions

If a Respondent is found responsible for one or more policy violations, the decision-maker for Sanctions will issue a Sanction Letter, no later than 5 business days after the Panel Report is distributed. The possible Sanctions are as follows:

For students:

- Warning
- Required Training or Education
- Removal from Minerva Housing
- Exclusion from Minerva Student and/or Alumni Activities
- Probation
- Suspension*
- Expulsion*
- Withheld Diploma*
- Revocation of Degree*

*These outcomes will be noted on the student's permanent record or transcript.

For employees:

- Warning
- Required Training or Education
- Demotion
- Suspension with Pay
- Suspension without Pay
- Termination

In addition to these forms of Sanctions, a Hearing Panel may, in consultation with the Title IX Coordinator, recommend other appropriate remedial actions, such as, but not limited to, sexual harassment awareness programming, employee training, or a campus culture survey.

B. Appeal Process

Both Complainant and Respondent have the right to appeal any final determination of a Hearing Panel. An appeal must be made within 5 business days of receiving written confirmation of the decision. The appeal must be made in writing and submitted to the Appeal Officer, and it should describe the rationale for modifying any determinations of the Hearing Panel. The Appeal Officer for appeals from students is the Chief Student Affairs Officer, or designee; the Appeal Officer for appeals from employees is the Chief Academic Officer, or designee.

An Appeal is not intended to be a full reconsideration of the original allegations and evidence, and is not an opportunity for the Appeal Officer to substitute their judgment for that of the Hearing Panel merely because they disagree with the outcome. An appeal may be made only on the basis of:

- Clear procedural irregularity that significantly affected the outcome of the Investigation or Hearing process, or
- New evidence that was not reasonably available at the time of the Investigation or Hearing that could affect the outcome of the Hearing, or
- A conflict of interest or bias on the part of the Title IX Coordinator, Investigator, or
- Hearing Panelists

When an appeal is filed by one Party, the other Party will be notified. The Appeal Officer will offer both Parties equal opportunity to submit a written statement in support of, or challenging the appeal. Within 10 business days of receipt of an appeal, the Appeal Officer will distribute a written decision describing the result of the appeal and the rationale for that result, simultaneously, to both Parties. The Appeal Officer may dismiss the appeal because it is untimely or does not meet the standards for an appeal under this Policy, or may grant the appeal based on one or more of the criteria listed above.

If the appeal is granted, the Appeal Officer may order further investigation or reconsideration by the same Investigator and Hearing Panel, unless it is determined that a new Investigator or Hearing Panel is required to prevent bias. The outcome of a reconvened Investigation or Hearing is final and cannot be appealed.

Any Sanctions already imposed will be in effect during the appeal process and will be modified only if ordered by the Appeal Officer. Both Complainant and Respondent will be notified of the outcome of an appeal, simultaneously and without undue delay.

XI. RECORDKEEPING

All documentation of Allegations, Reports, Investigations, Hearings, Resolutions, and Sanctions will be maintained by the Title IX Coordinator in a secure manner for at least seven years. Only those documents pertaining to affirmative findings of responsibility are part of students' education records.

Student records are protected from release under FERPA. However, Minerva observes the following legal exceptions:

- Parties to any Investigation of Prohibited Sexual Conduct have an absolute right to be informed of the outcome, essential findings/rationale, and any Sanctions that may result, in writing, without condition or limitation, and without substantial delay between notifications to each Party, as described in this policy.

- Minerva may release publicly the name, nature of the violation, and the Sanction for any student who is found in violation of a policy that is a crime of violence, including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property, intimate partner violence, stalking and kidnapping/abduction. In doing so, Minerva will inform the Respondent in advance and will not release any information that could lead to the identification of the Complainant.

XII. LOCAL RESOURCES AND SUPPORT SERVICES

Anyone who experiences sexual assault should seek medical attention and legal information as soon as possible. **If immediate medical care is required, call emergency services (911 in the U.S.).**

A. San Francisco

Zuckerberg San Francisco General Hospital

1001 Potrero Avenue

415-206-8000 (general information) <http://zuckerbergsanfranciscogeneral.org>

SF General is the only facility in San Francisco providing services for victims of sexual assault, including rape kits, medications, etc., free of charge.

The hospital is required by law to report an incident of a sexual offense to the San Francisco Police Department (SFPD). A decision by the victim to press formal charges does not have to be made at the time of the visit to the hospital.

SF Women Against Rape (SFWAR)

415-647-7273 (24-hour crisis line) 415-861-2024 (business line)

<https://www.sfwar.org>

SFWAR provides peer counseling and support groups, legal and medical advocacy. SFWAR also works with SF General Hospital to provide support to sexual assault victims.

Trauma Recovery Center/Rape Treatment Center

(affiliated with SF General Hospital and UCSF) 2727 Mariposa Street, Suite 100 (at Bryant Street) 415-821-3000

<http://traumarecoverycenter.org>

Rape treatment and recovery center. Also provides support for victims of other physical assaults and violent crimes.

Community United Against Violence (CUAV)

415-777-5500 (business line)

<http://www.cuav.org>

Provides support groups and advocacy for LGBTQ community.

Woman Inc. (Women Organized to Make Abuse Nonexistent)

415-864-4722 (24-hour support line)

877-384-3578 (En Espanol)

<http://www.womaninc.org>

Provides support for victims of domestic violence.

National Domestic Violence Hotline

800-799-7233

<http://www.thehotline.org/>

Provides 24/7 support for victims of abusive relationships, and online resources about abuse, healthy relationships, communication, and consent.

B. Global Locations

Local resources for Minerva students who may be victims of sexual harassment, sexual assault, or any form of prohibited sexual conduct are provided on The Hub. Local resources for Minerva staff and faculty who may be victims of sexual harassment, sexual assault, or any form of prohibited sexual conduct are provided on The Owl.