

SAE Institute | Policy and Procedures on Prohibited Sex Discrimination

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INTRODUCTION

SAE Institute (“SAE”) is committed to protecting the safety, health, and well-being of its students, employees, and all people who come into contact with the SAE community. In support of this commitment, and as required by Title IX of the Education Amendments of 1972 (“Title IX”) and other applicable federal and state laws, SAE has created this policy that prohibits Sex Discrimination and Retaliation for making a good faith report of Sex Discrimination or Retaliation under this policy.

This policy and its procedures, as they may be amended from time to time, are available on SAE’s website at <https://usa.sae.edu/campus-security/>. Notice of the Policy’s availability is distributed to all prospective students and employees prior to enrollment or employment, as applicable. In addition, the policy is distributed annually to all current students and employees and is featured in SAE’s training and outreach efforts relating to Sex Discrimination and Retaliation. The definitions of key terms used in this policy are included in the final section titled “Glossary of Terms.”

SAE’s Title IX Coordinator

SAE’s designated Title IX Coordinator is responsible for administering this policy and coordinating SAE’s compliance with Title IX. In fulfilling this role, the Title IX Coordinator oversees SAE’s management of reports and Complaints that involve allegations of Sex Discrimination and Retaliation, monitors outcomes of policy and training efforts, identifies and addresses any patterns, and assesses effects on the campus climate. In addition, the Title IX Coordinator carries out training, assists individuals who have experienced Sex Discrimination or Retaliation, including on an emergency basis, oversees the provision of Supportive Measures, and monitors and addresses barriers to reporting. Contact information for SAE’s Title IX Coordinator is set out below:

Title IX Coordinator	
Name	Kyle Goldman
Title	National Title IX Coordinator and Dean of Student Success
Street	7 Music Circle North
State	Nashville, TN
Zip	37203
Phone	(615) 988-7319
Email	k.goldman@sae.edu

Individuals may contact the Title IX Coordinator for a number of purposes, including to:

- Ask questions regarding the information or procedures set out in this policy.
- Ask questions about Title IX or the related regulations of the U.S. Department of Education.
- Make a report of alleged Sex Discrimination or Retaliation.
- Seek information or training about students’ rights and courses of action available to resolve reports or Complaints that involve potential Sex Discrimination or Retaliation.
- Notify SAE of an incident or other issue that may raise potential concerns under this policy.
- Obtain information about available resources (including confidential resources) and support services relating to Sex Discrimination or Retaliation.

Questions about Title IX or the related regulations of the U.S. Department of Education also may be referred to the Department of Education’s Office for Civil Rights at 400 Maryland Avenue, SW, Washington DC 20202 or (800) 421-3481.

Emergency and Medical Assistance for Individuals Who Have Experienced Physical Assault or Injury

In instances of Sex Discrimination or Retaliation involving physical assault or injury, it is important to (1) to locate a place of safety and (2) to obtain any necessary medical treatment. SAE strongly encourages individuals in these circumstances to obtain a medical examination immediately to determine the extent of any injuries and to ensure the preservation of evidence.¹ It is important to understand that time is a critical factor for evidence collection and preservation, and that preserving evidence may be necessary to prove that a form of Sex Discrimination or Retaliation occurred, or to obtain an order of protection.

Below is a brief list of emergency and medical assistance providers within a reasonable distance of SAE.² If any individual requires assistance obtaining emergency and medical assistance, the Title IX Coordinator can assist. In addition, the Title IX Coordinator can provide information for additional resources, as well as information regarding rights and options for moving forward.

Emergency and Medical Assistance Providers			
In Case of Emergency Dial 911			
Campus	Name of Organization	Address	Telephone No.
Atlanta	Emory University Hospital Midtown	550 Peachtree St. NE Atlanta, GA 30308	(404) 686-4411
	Gwinnett County Sexual Assault Center		(770) 476-7407
Chicago	Northwestern Memorial Hospital	251 East Huron Street Chicago, IL 60611	(312) 926-2000
	YWCA Rape Crisis Hotline		888-293-2080
Nashville	Vanderbilt Emergency Center	1211 Medical Center Dr. Nashville, TN 37232	(615) 322-0160
	Sexual Assault Center Hotline		(866) 811-7473
New York	Mount Sinai Beth Israel	281 First Ave New York, NY 10003	(212) 420-2000
	NY State Coalition Against Sexual Assault		800-942-6906
Miami	Aventura Hospital & Medical Center	20900 Biscayne Blvd. Aventura, FL 33180	(305) 682-7000
	Jackson Memorial Crisis Helpline		(305) 585-7273

¹ A hospital, with the individual’s permission, will collect physical evidence by conducting a medical examination. Hospitals are required by law to preserve such evidence for a minimum period of time. Consenting to an examination does not obligate the individual to pursue criminal charges.

² Some service providers may charge a service fee.

Reporting Sex Discrimination to Law Enforcement

Subsequent to securing safety and medical care, SAE also encourages any individual who believes that he or she has experienced potentially criminal Sex Discrimination or Retaliation to report the incident to law enforcement. Emergencies may be reported to local law enforcement in person or via telephone at 911. Non-emergencies may be reported to local law enforcement in person or via telephone using the contact information below. If any individual requires assistance notifying local law enforcement, the Title IX Coordinator will assist.

Local Law Enforcement Non-Emergency Contacts			
In Case of Emergency Dial 911			
Campus	Name of Organization	Address	Telephone No.
Atlanta	City of Atlanta Police Department	226 Peachtree St. Atlanta, GA	311 or (404) 546-0311
Chicago	Chicago Police Department	3510 South Michigan Ave, Chicago, IL	311 or (312) 746-6000
Miami	Miami-Dade Police Department	9105 NW 25th St. Doral, FL	(305) 476-5423
Nashville	Metropolitan Nashville Police Department	600 Murfreesboro Pike Nashville, TN	(615) 862-8600
New York	New York City Police Department, 10 th Precinct	230 West 20 th Street NY, NY	311 or (646) 610-5000

Reporting Incidents of Sex Discrimination or Retaliation to SAE

There is no time limit for reporting Sex Discrimination or Retaliation to SAE under this policy. However, individuals are encouraged to make a report as soon as possible in order to maximize SAE’s ability to obtain evidence and to conduct a timely, thorough, impartial, and reliable investigation. Reports may be made in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator’s contact information above, or by any other means that results in a Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time, including during non-business hours.

Legal Confidentiality and Privacy of Reports Made to SAE

There is an important distinction between “Legal Confidentiality” and “Privacy.” Legal Confidentiality may only be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials (*e.g.*, licensed mental health counselors, medical providers, or pastoral counselors) (*i.e.*, Confidential Employees). It is important to note, however, that certain Confidential Employees may nonetheless be required by law—such as mandatory child abuse reporting laws—to disclose specific information to external entities.

In contrast, an individual who is required by policy or law to report incidents of Sex Discrimination or Retaliation to institution officials can only offer Privacy, meaning that they will not disclose information learned from a reporting individual or bystander any more than is necessary to comply with legal and policy obligations. Information reported to non-Confidential Employees will be treated as Private and will be relayed only as necessary for SAE to investigate and, if applicable, seek a resolution.

Prior to making a report, individuals seeking Legal Confidentiality are encouraged to verify with any individual who answers one of the external resource numbers listed above that he or she can indeed offer Legal Confidentiality and the extent of that confidentiality, including any mandatory reporting requirements.

Anonymous Reporting of Sex Discrimination or Retaliation

SAE recognizes that under certain circumstances individuals who believe that they have experienced or witnessed Sex Discrimination or Retaliation may wish to make an anonymous report. An individual can make an anonymous report to SAE by completing the Title IX Anonymous Complaint Form which can be found on the SAE Institute website at: <https://usa.sae.edu/campus-security/>. However, due to the nature of the anonymous reports, SAE’s ability to take responsive action may be limited.

Individuals also may anonymously disclose an incident of Sex Discrimination to the following organizations.

External Resources for Reporting Sex Discrimination			
Campus	Name, Title	Address	Telephone No.
Atlanta	Human Relations Commission Office of Constituent Services	55 Trinity Ave Atlanta, GA 30303	(404) 330-6023
Chicago	State of Illinois Sexual Harassment and Discrimination Helpline	1505 18 th Street, Suite 2 Charleston, IL 61920	(877) 236-7703
Miami	City of North Miami Beach Human Resources	17011 NE 19 th Ave 2 nd Floor North Miami Beach, FL 33162	(305) 948-2918
Nashville	Tennessee Human Rights Commission	William Snodgrass TN Tower 312 Rosa L Parks Ave 23 rd Floor Nashville, TN 37243	(800) 251-3589
New York	Law Enforcement Bureau of the NYC Commission on Human Rights	22 Reade Street New York, NY	(212) 416-0197

Amnesty for Individuals Reporting Sex Discrimination or Retaliation Involving Violations of Alcohol or Drug Policies

The health and safety of every student at SAE is of utmost importance. SAE recognizes that students who have been drinking or using drugs (whether such use is voluntary or involuntary) at the time that an incident occurs may be hesitant to report such incidents or participate in an investigation or adjudication of Sex Discrimination or Retaliation due to fear of potential consequences for their own conduct. SAE strongly encourages students to report Sex Discrimination or Retaliation to SAE officials, regardless of these surrounding circumstances. An individual acting in good faith who discloses any incident of Sex Discrimination or Retaliation to SAE’s officials or law enforcement or

participates in any investigation or adjudication of Sex Discrimination or Retaliation will not be subject to action for violations of SAE's alcohol or drug use policies occurring at or near the time of the commission of the Sex Discrimination or Retaliation.

Employee Reporting Obligations

All Employees, Except Confidential Employees: When an employee, who is not a Confidential Employee, has information about conduct that reasonably may constitute Sex Discrimination or Retaliation in an Education Program or Activity, the employee must notify the Title IX Coordinator promptly.

Confidential Employees: When a person informs a Confidential Employee of conduct that reasonably may constitute Sex Discrimination or Retaliation in an Education Program or Activity, the Confidential Employee must explain the following:

1. The Confidential Employee's status as confidential, including the circumstances in which the Confidential Employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute Sex Discrimination;
2. How to contact the Title IX Coordinator and how to make a Complaint of Sex Discrimination; and
3. That the Title IX Coordinator may be able to offer and coordinate Supportive Measures, as well as initiate an informal resolution process or an investigation.

When a student, or a person who has a legal right to act on behalf of the student, informs any employee (including a Confidential Employee) of the student's Pregnancy or Related Conditions the Employee must promptly provide that person with the Title IX Coordinator's contact information and inform them that the Title IX Coordinator can coordinate specific actions to prevent Sex Discrimination and ensure the student's equal access to SAE's Education Program or Activity.

Employee Training Requirements

SAE will ensure that the persons described below receive training related to their duties under this policy promptly upon hiring or change of position that alters their duties under this policy and annually thereafter. The training provided will not rely on Sex stereotypes.

All Employees

All employees will be trained on the SAE's obligation to address Sex Discrimination and Retaliation in its Education Program or Activity, the scope of conduct that constitutes Sex Discrimination or Retaliation under this policy, including the definition of Sex-Based Harassment, and all applicable notice requirements related to a student's current, potential, or past Pregnancy or Related Conditions and the SAE's general response to Sex Discrimination or Retaliation.

Investigators, Decisionmakers, and Other Persons

In addition to the training provided to all employees, all Investigators, Decisionmakers, and other persons who are responsible for implementing SAE's Title IX grievance procedures or who have the authority to modify or terminate Supportive Measures will be trained on the following topics to the extent related to their responsibilities:

1. SAE's obligation to respond to Sex Discrimination or Retaliation;
2. SAE's Title IX grievance procedures;

3. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
4. The meaning and application of the term “Relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.

Facilitators of Informal Resolution Process

In addition to the training provided to all employees, all facilitators of an Informal Resolution process will be trained on the rules and practices associated with SAE’s Informal Resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.

Title IX Coordinator and Designees

In addition to the training provided to all employees and other Title IX team members, as listed above, the Title IX Coordinator and any designees will be trained on their specific responsibilities, SAE’s recordkeeping system and requirements, and any other training necessary to coordinate SAE’s compliance with Title IX and this policy.

PART ONE: POLICIES AND PROCEDURES RELATING TO ALL SEX DISCRIMINATION

Prohibition against Sex Discrimination and Retaliation

As required by Title IX and other applicable federal and state laws, SAE does not discriminate on the basis of Sex and prohibits Sex Discrimination in any of its Education Programs or Activities, including in admission and employment.

SAE also strictly and expressly prohibits Retaliation. Reports of Retaliation will be investigated, and such conduct may result in disciplinary action independent of the sanction(s) or Remedies imposed in response to a finding of Sex Discrimination.

Scope and Jurisdiction

This policy and related procedures applies to all students, employees, and third parties of SAE's five campuses with respect to alleged Sex Discrimination or Retaliation that occurred on or after August 1, 2024. Conduct that occurred prior to August 1, 2024 shall be addressed in accordance with the appropriate policy and procedure.

SAE has also adopted grievance procedures, set forth in Parts Two and Three, that provide for the prompt and equitable resolution of Complaints made by students, employees, or other individuals who are participating or attempting to participate in SAE's Education Program or Activity, or by the Title IX Coordinator, alleging Sex Discrimination or Retaliation.

Unless addressed via Informal Resolution (discussed in more detail below), Complaints of Sex-Based Harassment involving a student Complainant or Respondent will be addressed pursuant to the policies and procedures set forth in Part Three; and all other Complaints of Sex Discrimination will be addressed pursuant to the policies and procedures set forth below in Part Two. If a Complaint includes both Sex-Based Harassment involving a student Complainant or Respondent and other Complaints of Sex Discrimination, SAE will follow the policies and procedures set forth in Part Three for purposes of investigating and resolving the entire Complaint.

When a Party is both a student and an employee, the Title IX Coordinator will make a fact-specific inquiry to determine whether the requirements Part Three should apply. In making this Determination, the Title IX Coordinator will consider whether the Party's primary relationship with SAE is to receive an education and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work.

If an allegation does not meet the definition of Sex Discrimination or Retaliation, SAE reserves the right to address such allegations under other, applicable institutional policies.

Receipt of Report of Sex Discrimination or Retaliation

Upon receiving a Report of conduct that may reasonably constitute Sex Discrimination³ or Retaliation, the Title IX Coordinator⁴ shall assess the information and take the following actions:

- a. Treat the Complainant and Respondent equitably;
- b. Within 12 hours after receiving the Report, provide the Complainant with concise information, written in plain language, concerning the Complainant's rights and options, including:
 1. The Complainant's right to report or not report the alleged conduct to SAE, law enforcement, or both, including information about the Complainant's right to privacy and which reporting methods are confidential;
 2. The contact information for SAE's Title IX Coordinator or deputy coordinators, confidential advisors, a community-based sexual assault crisis center, and local law enforcement;
 3. The Complainant's right to request and receive assistance from SAE in notifying law enforcement;
 4. The Complainant's ability to request Supportive Measures and accommodations for survivors, including without limitation changes to academic, living, dining, working, and transportation situations, obtaining and enforcing an institutional order of protection or No Contact Order, if such Supportive Measures and accommodations are reasonably available, and an order of protection or no contact order in state court;
 5. SAE's ability to provide assistance, upon the Complainant's request, in accessing and navigating campus and local health and mental health services, counseling, and advocacy services;
 6. A summary of SAE's grievance procedures; and
 7. A list of available resources.
- c. Offer appropriate Supportive Measures (discussed in more detail below) and coordinate same;
- d. Notify the Complainant or, if the Complainant is unknown, the individual who reported the conduct, of the applicable grievance procedures and the informal resolution process, if available and appropriate;
- e. In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, make a fact-specific determination regarding whether to initiate a Complaint of Sex Discrimination or Retaliation. The

³ SAE will not investigate Sex-Based Harassment disclosed during a public awareness event, unless it indicates an imminent and serious threat to the health or safety of a Complainant, any students, employees, or other persons. However, SAE will use the information provided at such an event to inform its efforts to prevent Sex-Based Harassment.

⁴ References to the Title IX Coordinator throughout the remainder of this policy shall include the designee of the Title IX Coordinator.

Title IX Coordinator must consider, at minimum, the following eight factors:

1. The Complainant's request not to proceed with initiation of a Complaint;
2. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
3. The risk that additional acts of Sex Discrimination or Retaliation would occur if a Complaint is not initiated;
4. The severity of the alleged Sex Discrimination or Retaliation, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination Retaliation and prevent its recurrence;
5. The age and relationship of the Parties, including whether the Respondent is an employee of SAE;
6. The scope of the alleged Sex Discrimination or Retaliation, including information suggesting a pattern, ongoing Sex Discrimination or Retaliation, or Sex Discrimination or Retaliation alleged to have impacted multiple individuals;
7. The availability of evidence to assist a Decisionmaker in determining whether Sex Discrimination or Retaliation occurred; and
8. Whether SAE could end the alleged Sex Discrimination or Retaliation and prevent its recurrence without initiating its grievance procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents SAE from ensuring equal access on the basis of Sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator initiates a Complaint, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others.

- f. Regardless of whether a Complaint is initiated, take other appropriate and prompt and effective steps, in addition to steps necessary to effectuate the Remedies provided to an individual Complainant, if any, to ensure that Sex Discrimination or Retaliation does not continue or recur within SAE's Education Program or Activity.

Receipt of Complaint of Sex Discrimination or Retaliation

Upon receiving a Complaint of conduct that may reasonably constitute Sex Discrimination or Retaliation, the Title IX Coordinator shall take the following actions:

- a. Actions (a)–(f), above, if not already done;
- b. Consider whether dismissal of the Complaint is appropriate;

- c. If a Complaint is made, notify the Respondent of the applicable grievance procedures and the informal resolution process, if available and appropriate.
- d. In response to a Complaint, initiate the applicable grievance procedures or the informal resolution process, if available and appropriate and requested by all Parties;

Supportive Measures

The Title IX Coordinator will offer and coordinate Supportive Measures, as appropriate, for the Complainant and/or Respondent to restore or preserve that person's access to SAE's Education Program or Activity or provide support during SAE's grievance procedures or during the informal resolution process. Supportive Measures cannot be unreasonably burdensome to a Party, cannot be imposed for punitive or disciplinary reasons, and may vary depending on what SAE deems to be reasonably available.

Supportive Measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, housing, dining, transportation, working conditions, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; honoring an order of protection or no contact order entered by a state civil or criminal court; and training and education programs related to Sex-Based Harassment. Supportive Measures may be modified or terminated at the conclusion of SAE's grievance procedures or Informal Resolution process.

Challenge to Supportive Measures

A Party may seek the modification or reversal of the decision to provide, deny, modify, or terminate Supportive Measure(s) that are applicable to that Party where the decision to provide, deny, modify, or terminate Supportive Measures was inconsistent with the definition of Supportive Measures found in Part Four of this policy.

To challenge such a decision, the relevant Party must contact the Title IX Coordinator within five (5) business days of the decision or within a reasonable time should circumstances change materially. The challenge must be made in writing and state the ground on which the challenge is made. The Title IX Coordinator shall designate an appropriate and impartial individual, who had no input or previous knowledge of the challenged decision, to review the challenge, who will examine the information presented and issue a written determination within ten (10) business days of receipt or the challenged that: (1) upholds the decision, (2) modifies the decision, or (3) reverses the decision. This determination shall be final and cannot be further appealed.

Informal Resolution

In lieu of resolving a Complaint through SAE's grievance procedures, as outlined in Parts Two and Three of this policy, the Parties may instead elect, with approval of the Title IX Coordinator, to participate in an Informal Resolution process. A Party may request that the matter be resolved through Informal Resolution at any time prior to reaching a Determination regarding responsibility.

Informal Resolution is a completely voluntary process and requires the written consent of the Complainant and Respondent and the approval of the Title IX Coordinator or designee to proceed.

SAE does not offer Informal Resolution when such a process would conflict with Federal, State, or local law.

Before the initiation of an Informal Resolution process, SAE will explain in writing to the Parties:

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

The terms of an Informal Resolution, if successful, may include Supportive Measures, as well as other arrangements agreed to by the Parties. If an agreement acceptable to SAE, the Complainant, and the Respondent is reached through Informal Resolution, the matter is considered to be resolved and the terms are implemented.

Administrative Leave and Emergency Removal

SAE may place an employee Respondent on administrative leave during the pendency of the grievance process.

SAE also may remove a Respondent from SAE's Education Program or Activity on an emergency basis if SAE undertakes an individualized safety and risk analysis and determines, as a result of the analysis, that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of Sex Discrimination justifies removal. In such circumstances, the Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.

Recordkeeping

For each Complaint of Sex Discrimination, SAE will maintain records for seven (7) years documenting the Informal Resolution process or grievance process, as applicable, and the resulting outcome.

For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute Sex Discrimination or Retaliation, SAE will maintain records for seven (7) years documenting the actions it took to meet its obligations under 34 CFR § 106.44.

For a period of seven (7) years, SAE also will maintain all materials used to train: (1) its employees, (2) Investigators, Decisionmakers, and other persons who are responsible for implementing SAE's grievance procedures or have the authority to modify or terminate Supportive Measures, (3) facilitators of Informal Resolution processes, and (4) Title IX Coordinators and designees.

PART TWO: GRIEVANCE PROCEDURES FOR COMPLAINTS OF SEX DISCRIMINATION

Complaints of Sex Discrimination or Retaliation other than Complaints of Sex-Based Harassment involving a student Complainant or Respondent will proceed in accordance with the following parameters. Complainants shall have the opportunity to request that the grievance process begin promptly and proceed in a timely manner.

Complaints

The following individuals have a right to make a Complaint of Sex Discrimination or Retaliation, including Complaints of Sex-Based Harassment, requesting that SAE investigate and make a Determination about alleged discrimination:

- A Complainant;
- An authorized legal representative with the legal right to act on behalf of a Complainant; or
- The Title IX Coordinator.

Note that a person is entitled to make a Complaint of Sex-Based Harassment only if they themselves are alleged to have been subjected to the Sex-Based Harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a Complaint.

With respect to Complaints of Sex Discrimination or Retaliation other than Sex-Based Harassment, in addition to the people listed above, the following persons have a right to make a Complaint:

- Any student or employee of SAE; or
- Any person other than a student or employee who was participating or attempting to participate in SAE's Education Program or Activity at the time of the alleged Sex Discrimination.

SAE may consolidate Complaints of Sex Discrimination or Retaliation against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of Sex Discrimination or Retaliation arise out of the same facts or circumstances. Consolidation is not permitted if it would violate the Family Educational Right and Privacy Act ("FERPA").

When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable.

Notice of Allegations

Upon initiation of SAE's grievance procedures under this Part Two, SAE will notify the Parties of the following:

- SAE's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex Discrimination or Retaliation, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and

- The Parties are entitled to an equal opportunity to access the Relevant and not otherwise impermissible evidence.

If, in the course of an investigation, SAE decides to investigate additional allegations of Sex Discrimination by the Respondent toward the Complainant that are not included in the notice provided or that are included in a Complaint that is consolidated, SAE will notify the Parties of the additional allegations.

Dismissal of Complaint

SAE may dismiss a Complaint of Sex Discrimination or Retaliation under this Part Two if:

- SAE is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in SAE's Education Program or Activity and is not employed by SAE;
- The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and SAE determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex Discrimination or Retaliation even if proven; or
- SAE determines the conduct alleged in the Complaint, even if proven, would not constitute Sex Discrimination or Retaliation under Title IX. Before dismissing the Complaint, SAE will make reasonable efforts to clarify the allegations with the Complainant.

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

SAE will notify the Complainant that a dismissal may be appealed on the bases outlined in the *Appeals* section. If the dismissal occurs after the Respondent has been notified of the allegations, then SAE will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, SAE will follow the procedures outlined in the *Appeals* section.

When a Complaint is dismissed, SAE will, at a minimum:

- Offer Supportive Measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that Sex Discrimination or Retaliation does not continue or recur within SAE's Education Program or Activity.

If a Complaint is dismissed, SAE may still address the allegations under other institutional policies.

Grievance Procedure Requirements

Complaints of Sex Discrimination or Retaliation under Part Two of this policy will proceed in accordance with the following requirements:

- SAE will treat Complainants and Respondents equitably.

- SAE requires that any Title IX Coordinator, Investigator, or Decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
- SAE presumes that the Respondent is not responsible for the alleged Sex Discrimination or Retaliation until a Determination is made at the conclusion of its grievance procedures.
- SAE has established the following timeframes for the major stages of the grievance procedures:
 - Evaluation: 15 business days
 - Investigation: 30 business days
 - Determination: 10 business days
 - Appeal, if any: 10 business days

The above timeframes are good-faith approximations and also may be extended for good cause. SAE has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the Parties that includes the reason for the delay:

- The Title IX Coordinator may reasonably extend timeframes for good cause. Good cause includes the availability of the Parties; the availability of witnesses; the timing of breaks; efforts to utilize Informal Resolution; to comply with a request by external law enforcement; to account for complexities of a case including the number of witnesses and volume of information provided by the Parties; or, to address other legitimate reasons.
 - The Parties may request extensions that will be granted, if reasonable, at the discretion of the Title IX Coordinator. Extensions granted to one Party will be granted to the other Party. Requests for an extension for the purpose to simply prolong the process will not be permitted. Deadlines will be enforced, and a failure to meet deadlines may result in forfeiture of a Party's ability to participate in that aspect of the investigation.
- SAE will take reasonable steps to protect the privacy of the Parties and witnesses during its grievance procedures. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the grievance procedures. The Parties cannot engage in Retaliation, including against witnesses.
 - SAE will objectively evaluate all evidence that is Relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.
 - The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by SAE to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are Relevant:
 - Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless SAE obtains that Party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-Based Harassment or preclude Determination that Sex-Based Harassment occurred.
- Formal rules of process, procedure, and technical rules of evidence, such as applied in criminal or civil court, are not used in these proceedings.

Investigation

The Title IX Coordinator will designate an internal or external investigator ("Investigator") to conduct a prompt, thorough, and impartial investigation of the reported Sex Discrimination. The Title IX Coordinator may consult with SAE's senior administrators regarding the designation of the Investigator.

The Title IX Coordinator will also either designate an internal Decisionmaker or refer the matter to an external Decisionmaker with appropriate experience (in either case, the "Decisionmaker").⁵ The Parties will be provided notice of the name of the Decisionmaker before the Decisionmaker initiates contact with either Party, and Parties may request a substitution if Decisionmaker poses a conflict of interest or has bias. The request will be considered by Title IX Coordinator.

During the Investigation:

- SAE will provide for adequate, reliable, and impartial investigation of Complaints.
- The burden is on SAE—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether Sex Discrimination or Retaliation occurred.
- SAE will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are Relevant and not otherwise impermissible. However, the Parties will not be permitted to present expert witnesses.
- SAE may include another employee in the interviews to act as a notetaker or witness.
- SAE will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance.
- SAE will provide each Party with an equal opportunity to access the evidence that is Relevant to the allegations of Sex Discrimination or Retaliation and not otherwise impermissible and will provide a reasonable opportunity to respond to the evidence.
- SAE will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures

⁵ Reasons for referral to an external Decisionmaker include but are not limited to the presence of a conflict of interest or if a matter presents complex evidentiary issues.

of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of Sex Discrimination or Retaliation are authorized.

- The Investigator(s) will interview the Parties, review any documentary evidence, and interview witnesses deemed by the Investigator(s) to have Relevant and material information pertaining to the Complaint.

The Complainant and Respondent both have the right to be accompanied and counseled by an Advisor of his or her choice (at the Party's own expense if the Advisor is a paid Advisor) at any meeting or proceeding related to the investigation and resolution of a Complaint.⁶ The role of a Party's Advisor shall be limited to support and consultation. The Title IX Coordinator and Investigator must be advised in writing that an Advisor will be present at least 24 hours before any scheduled meeting or proceeding.⁷ SAE reserves the right to have its own legal counsel present. If any Advisor's conduct is not consistent with SAE's guidelines or any other applicable rules of order and decorum, he or she may be excluded from the process.

Coordination with Local Law Enforcement. The standards for finding a violation of this policy are different from the standards used by local law enforcement to determine whether criminal conduct may have occurred. Conduct that constitutes Sex Discrimination or Retaliation under this policy may not constitute sufficient evidence of a crime, and law enforcement may choose to decline investigating or prosecuting it as a crime. In the event local law enforcement does investigate allegations of Sex Discrimination or Retaliation, any such investigation is independent of any investigation by SAE. SAE typically will not wait for the conclusion of any criminal investigation or proceeding to commence its own investigation (or to institute any Supportive Measures), and will make its Determinations in accordance with this policy.⁸ However, SAE may elect to temporarily delay its investigation to enable law enforcement to gather evidence and engage in a preliminary investigation if, for example, SAE believes such delay would benefit SAE's own investigation. When applicable and appropriate, SAE may contact and coordinate with law enforcement.

Questioning the Parties and Witnesses

SAE will provide, to a Party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all interviews or other meetings, with sufficient time for the Party to prepare to participate. Such notice also will include any applicable rules of order and decorum.

When a Party or witness meets with the Investigator, they will ask the Party or witness questions related to the allegations, and may ask if the witness has any information to submit (e.g. documents, texts, emails, images, etc.) for the Investigator to review and consider. In some cases, the Investigator may ask to interview a witness more than once if additional information becomes available since the previous interview with the witness and/or to follow up with a witness to clarify information or previous statements.

To the extent credibility is both in dispute and Relevant to evaluating one or more allegations of Sex Discrimination or Retaliation, the Decisionmaker will join the Investigator to question Parties and

⁶ SAE may require Advisors to agree to a non-disclosure agreement.

⁷ This notification should include the full name and title of the Advisor of choice, as well as contact information (phone, email and address.)

⁸ At the request of law enforcement, SAE may agree to defer its investigation until after the initial stages of a criminal investigation. In such instances, SAE will promptly resume its investigation as soon as it is notified by law enforcement that there is no longer a need to delay, or SAE otherwise determines that it must proceed.

witnesses to adequately assess a Party's or witness' credibility. The Decisionmaker may also participate in other interviews at their discretion.

Determination Whether Sex Discrimination Occurred

Upon completion of the investigation, the Investigator will submit the Relevant and not otherwise impermissible evidence gathered during the investigation to the Decisionmaker or designee for a Determination. A copy of the Relevant and not otherwise impermissible evidence shall also be provided to the Title IX Coordinator.

Following the investigation and evaluation of all Relevant and not otherwise impermissible evidence, the Decisionmaker will use the preponderance of the evidence standard of proof to determine whether Sex Discrimination or Retaliation occurred by issuing a Determination. The preponderance of the evidence standard means that it is more likely than not that a policy violation occurred and requires the evaluation of Relevant and not otherwise impermissible evidence for its persuasiveness. If the Decisionmaker is not persuaded under the preponderance of the evidence standard that Sex Discrimination or Retaliation occurred, whatever the quantity of the evidence is, the Decisionmaker will not determine that Sex Discrimination or Retaliation occurred.

The Decisionmaker will further:

- Notify the Parties in writing of the Determination whether Sex Discrimination or Retaliation occurred under Title IX including the rationale for such Determination, and the procedures and permissible bases for the Complainant and Respondent to appeal, and the designated Appeal Officer;
- Not impose discipline on a Respondent for Sex Discrimination or Retaliation prohibited by Title IX unless there is a Determination at the conclusion of the grievance procedures that the Respondent engaged in prohibited Sex Discrimination or Retaliation.
- Comply with the grievance procedures before the imposition of any Disciplinary Sanctions against a Respondent; and
- Not discipline a Party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the Determination whether Sex Discrimination or Retaliation occurred.

If there is a Determination that Sex Discrimination or Retaliation occurred, the Title IX Coordinator will, as appropriate:

- Coordinate the provision and implementation of Remedies to a Complainant and other people SAE identifies as having had equal access to SAE's Education Program or Activity limited or denied by Sex Discrimination or Retaliation;
- Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Complainant of any such Disciplinary Sanctions; and
- Take other appropriate prompt and effective steps to ensure that Sex Discrimination or Retaliation does not continue or recur within SAE's Education Program or Activity.

The Determination regarding responsibility becomes final either on the date that the Parties are provided with the written Final Determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

Disciplinary Sanctions and Remedies:

Following a Determination that Sex Discrimination occurred, SAE may impose Disciplinary Sanctions, which may include but are not limited to:

- For a student Respondent: disciplinary warning; disciplinary probation; suspension; expulsion; fines; behavioral agreements; no-contact orders; letter of apology; reflection/research papers; community restitution; mandatory training and education; mandatory meeting(s) with the Title IX coordinator or designee; mandatory counseling; or withholding or delaying the conferral of degree.
- For a staff or faculty Respondent: no-contact orders; mandated counseling, education, and/or training; verbal warning; written warning; final written warning; suspension; involuntary termination.

SAE may also provide Remedies, which may include, but are not limited to: a No Contact Order; limiting and/or scheduling access of individual buildings; making an escort available to assist a Complainant or Respondent to move safely between classes and campus activities; adjusting class or work schedules or methods of participating in activities to minimize campus contact between a Complainant and a Respondent; counseling services; medical services; academic support, such as extensions of deadlines or other course-related adjustments; changes in work locations; leaves of absence; increased security and monitoring of certain areas of campus; or adjusting reporting lines.

Appeal

SAE will offer an appeal from a dismissal or Determination whether Sex Discrimination or Retaliation occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal or Determination was made; and
- The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

If the dismissal or Determination is appealed, SAE will:

- Notify the Parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent. The notification will include the name of the designated Appeal Officer and procedures for submission;
- Implement appeal procedures equally for the Parties;
- Ensure that the Decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint; and
- Ensure that the Decisionmaker for the appeal has been trained consistent with the Title IX regulations.

An appeal by either Party must be made in writing to the Appeal Officer assigned to the appeal within seven (7) business days after such Party has received the decision in writing. An appeal must state the ground on which the appeal is made.

Upon receipt of an appeal, the Appeal Officer shall forward the appeal to the other Party. The non-appealing Party will have five (5) business days to submit a written statement in support of or against the appeal to the Appeal Officer.

The Appeal Officer will examine the information presented and issue a written Final Determination regarding the appeal and the rationale for appeal decision within ten (10) business days from the end of the five (5) business day period for the non-appealing Party's statement deadline. This Final Determination will be provided to both Parties simultaneously and will be a final and cannot be further appealed.

Disclosure of Outcome

SAE will not share information obtained during the course of a proceeding with Parties external to SAE unless compelled to do so, such as by receipt of a lawfully issued subpoena. SAE may also share information about the proceeding and outcome consistent with FERPA or other legal requirements.

Special Procedure Concerning Complaints against a Title IX Coordinator

If a report alleges Sex Discrimination on the part of the Title IX Coordinator, the Chief Academic & Compliance Officer or her designee, will designate the Investigator and Decisionmaker and oversee the Supportive Measures, investigation, adjudication, and resolution process under this policy.

PART THREE: GRIEVANCE PROCEDURES FOR COMPLAINTS OF SEX-BASED HARASSMENT INVOLVING A STUDENT COMPLAINANT OR RESPONDENT

Complaints of Sex-Based Harassment involving a student Complainant or Respondent will proceed in accordance with the following parameters. Complainants shall have the opportunity to request that the grievance process begin promptly and proceed in a timely manner.

Complaints

The following people have a right to make a Complaint of Sex-Based Harassment, requesting that SAE investigate and make a Determination about alleged Sex-Based Harassment:

- A Complainant;
- An authorized legal representative with the legal right to act on behalf of a Complainant; or
- The Title IX Coordinator.

Note that a person is entitled to make a Complaint of Sex-Based Harassment only if they themselves are alleged to have been subjected to the Sex-Based Harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a Complaint.

SAE may consolidate Complaints of Sex-Based Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of Sex-Based Harassment arise out of the same facts or circumstances. Consolidation is not permitted if it would violate the Family Educational Right and Privacy Act (“FERPA”).

When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable.

Written Notice of Allegations

Upon initiation of SAE’s grievance procedures under this Part Three, SAE will notify the Parties in writing of the following with sufficient time for the Parties to prepare a response before any initial interview:

- SAE’s Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex-Based Harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The Respondent is presumed not responsible for the alleged Sex-Based Harassment until a Determination is made at the conclusion of the grievance procedures. Prior to such a Determination, the Parties will have an opportunity to present Relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;
- The Parties may have an Advisor of their choice who may be, but is not required to be, an attorney;
- The Parties are entitled to an equal opportunity to access the Relevant and not otherwise impermissible evidence; and

- SAE's Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, SAE decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated Complaint, it will provide written notice of the additional allegations to the Parties.

Dismissal of a Complaint

SAE may dismiss a Complaint if:

- SAE is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in SAE's Education Program or Activity and is not employed by SAE;
- SAE obtains the Complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a Complaint, and SAE determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex-Based Harassment under Title IX even if proven; or
- SAE determines the conduct alleged in the Complaint, even if proven, would not constitute Sex-Based Harassment under Title IX. Before dismissing the Complaint, SAE will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, SAE will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then SAE will notify the Parties simultaneously in writing.

SAE will notify the Complainant that a dismissal may be appealed on the bases outlined in the *Appeals* section. If dismissal occurs after the Respondent has been notified of the allegations, then SAE will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, SAE will follow the procedures outlined in the *Appeals* section.

When a Complaint is dismissed, SAE will, at a minimum:

- Offer Supportive Measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that Sex-Based Harassment does not continue or recur within SAE's Education Program or Activity.

Grievance Procedure Standards

Complaints of Sex Discrimination under Part Three of this policy will proceed in accordance with the following procedures:

- SAE will treat Complainants and Respondents equitably.
- SAE requires that any Title IX Coordinator, Investigator, or Decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

- SAE presumes that the Respondent is not responsible for the alleged Sex-Based Harassment until a Determination is made at the conclusion of its grievance procedures.
- SAE has established the following timeframes for the major stages of the grievance procedures:
 - Evaluation: 15 business days
 - Investigation: 30 business days
 - Determination: 10 business days
 - Appeal, if any: 10 business days

The above timeframes are good-faith approximations and also may be extended for good cause. SAE has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice of any extension to the Parties that includes the reason for the delay:

- The Title IX Coordinator may reasonably extend timeframes for good cause. Good cause includes the availability of the Parties; the availability of witnesses; the timing of breaks; efforts to utilize Informal Resolution; to comply with a request by external law enforcement; to account for complexities of a case including the number of witnesses and volume of information provided by the Parties; or, to address other legitimate reasons.
 - The Parties may request extensions that will be granted, if reasonable, at the discretion of the Title IX Coordinator. Extensions granted to one Party will be granted to the other Party. Requests for an extension for the purpose to simply prolong the process will not be permitted. Deadlines will be enforced, and a failure to meet deadlines may result in forfeiture of a Party's ability to participate in that aspect of the investigation.
- SAE will take reasonable steps to protect the privacy of the Parties and witnesses during its grievance procedures. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the grievance procedures. The Parties cannot engage in Retaliation, including against witnesses.
 - SAE will objectively evaluate all evidence that is Relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.
 - The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by SAE to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are Relevant:
 - Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
 - A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless SAE obtains that Party's or witness's voluntary, written consent for use in its grievance procedures; and

- Evidence that relates to the Complainant’s sexual interests or prior sexual conduct, unless evidence about the Complainant’s prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant’s prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant’s Consent to the alleged Sex-Based Harassment or preclude Determination that Sex-Based Harassment occurred.
- Formal rules of process, procedure, and technical rules of evidence, such as applied in criminal or civil court, are not used in these proceedings.

Investigations

The Title IX Coordinator will designate an internal or external investigator (in either case the “Investigator”) to conduct a prompt, thorough, and impartial investigation of the reported Sex-Based Harassment. The Title IX Coordinator may consult with SAE’s senior administrators regarding the designation of the Investigator.

The Title IX Coordinator will also either designate an internal Decisionmaker or refer the matter to an external Decisionmaker with appropriate experience (in either case, the “Decisionmaker”).⁹ The Parties will be provided notice of the name of the Decisionmaker before the Decisionmaker initiates contact with either Party, and Parties may request a substitution if Decisionmaker poses a conflict of interest or has bias. The request will be considered by Title IX Coordinator.

During the Investigation:

- SAE will provide for adequate, reliable, and impartial investigation of Complaints.
- The burden is on SAE—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether Sex-Based Harassment occurred.
- SAE will provide to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate. Such notice also will include any applicable rules of order and decorum.
- When a Party or witness meets with the Investigator, the Investigator will ask the Party and witness questions related to the allegations, and may ask if the individual has any information to submit (e.g. documents, texts, emails, images, etc.) for the Investigator to review and consider. In some cases, they may ask to interview a Party or witness more than once if additional information becomes available since the previous interview with the Party or witness and/or to follow up with a Party or witness to clarify information or previous statements.
- SAE will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the Advisor of their choice¹⁰, who may be, but is not required to be, an attorney.
 - SAE will not limit the choice or presence of the Advisor for the Complainant or Respondent in any meeting or proceeding.

⁹ Reasons for referral to an external Decisionmaker include but are not limited to the presence of a conflict of interest or if a matter presents complex evidentiary issues.

¹⁰ SAE may require Advisors to agree to a non-disclosure agreement.

- SAE may establish restrictions regarding the extent to which the Advisor may participate in these grievance procedures, as long as the restrictions apply equally to the Parties. In particular, the Title IX Coordinator and Investigator must be advised in writing that an Advisor will be present at least 24 hours before any scheduled meeting or proceeding.¹¹ SAE reserves the right to have its own legal counsel present. If any Advisor's conduct is not consistent with SAE's guidelines or any other applicable rules of order and decorum, he or she may be excluded from the process.
- SAE will provide the Parties with the same opportunities, if any, to have people other than the Advisor of the Parties' choice present during any meeting or proceeding.
- SAE may include another employee in the interviews to act as a notetaker or witness.
- SAE will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are Relevant and not otherwise impermissible. However, the Parties will not be permitted to present expert witnesses.
- SAE will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance.
- SAE will provide each Party and the Party's Advisor, if any, with an equal opportunity to access the evidence that is Relevant to the allegations of Sex-Based Harassment and not otherwise impermissible and provide a reasonable opportunity to review and respond to the evidence.
- SAE will take reasonable steps to prevent and address the Parties' and their Advisors' unauthorized disclosure of information and evidence obtained solely through the Sex-Based Harassment grievance procedures.

Coordination with Local Law Enforcement. The standards for finding a violation of this policy are different from the standards used by local law enforcement to determine whether criminal conduct may have occurred. Conduct that constitutes Sex-Based Harassment under this policy may not constitute sufficient evidence of a crime, and law enforcement may choose to decline investigating or prosecuting it as a crime. In the event local law enforcement does investigate allegations of Sex-Based Harassment, any such investigation is independent of any investigation by SAE. SAE typically will not wait for the conclusion of any criminal investigation or proceeding to commence its own investigation (or to implement any Supportive Measures), and will make its Determinations in accordance with this policy.¹² However, SAE may elect to temporarily delay its investigation to enable law enforcement to gather evidence and engage in a preliminary investigation if, for example, SAE believes such delay would benefit SAE's own investigation. When applicable and appropriate, SAE may contact and coordinate with law enforcement.

¹¹ This notification should include the full name and title of the Advisor of choice, as well as contact information (phone, email and address.)

¹² At the request of law enforcement, SAE may agree to defer its investigation until after the initial stages of a criminal investigation. In such instances, SAE will promptly resume its investigation as soon as it is notified by law enforcement that there is no longer a need to delay, or SAE otherwise determines that it must proceed.

Questioning the Parties and Witnesses

Questioning shall be conducted by the Investigator/Decisionmaker, consistent with the process described below.

SAE will provide, to a Party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all interviews or other meetings, with sufficient time for the Party to prepare to participate. Such notice also will include any applicable rules of order and decorum.

To the extent credibility is both in dispute and Relevant to evaluating one or more allegations of Sex-Based Harassment, the Decisionmaker will either join the Investigator to question Parties and witnesses to adequately assess a Party's or witness' credibility or conduct their own meeting with any such individuals. The Decisionmaker may also participate in other interviews in their discretion.

SAE's process for proposing and asking Relevant and not otherwise impermissible questions and follow-up questions of Parties and witnesses, including questions challenging credibility, will:

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

Prior to such a question being asked, the Decisionmaker will determine whether a proposed question is Relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not Relevant or otherwise impermissible. Questions that are unclear or harassing of the Party or witness being questioned will not be permitted. The Decisionmaker will give a Party an opportunity to clarify or revise a question that the Decisionmaker determines is unclear or harassing. If the Party sufficiently clarifies or revises the question, the question will be asked.

The appropriate number of meetings that may be scheduled for questions posed by Parties will vary depending on the facts and circumstances of the Complaint and the type and number of questions proposed by the Parties. However, if at some point the follow-up questions proposed by a Party are duplicative of questions that have already been asked or are designed to harass as opposed to assess credibility or elicit Relevant information, SAE may decline to hold additional meetings to ask the questions to ensure that the questioning process is not overly long or burdensome.

The Investigator will provide each Party with an audio or audiovisual recording or transcript of the other Party's questioning with enough time for the Party to have a reasonable opportunity to propose follow-up questions.

When a Party or witness meets with the Investigator or Decisionmaker, they will ask the Party and witness questions related to the allegations, and may ask if the witness has any information to submit (e.g. documents, texts, emails, images, etc.) for the Investigator or Decisionmaker to review and consider. In some cases, they may ask to interview a Party or witness more than once if additional information becomes available since the previous interview with the witness and/or to follow up with a witness to clarify information or previous statements.

While the Investigator or Decisionmaker may ask a Party or witness questions about what a Party or witness may know or have observed, they will only share with a witness information about the

investigation, including the specifics related to an allegation, if they determine it is necessary to do so to further information gathering or to seek clarification of information already gathered.

Determination Whether Sex-Based Harassment Occurred

Upon completion of the investigation, the Investigator will submit the Relevant and not otherwise impermissible evidence gathered during the investigation to the Decisionmaker or designee for a Determination. A copy of the Relevant and not otherwise impermissible evidence shall also be provided to the Title IX Coordinator.

Following an investigation, the Decisionmaker:

- Will objectively evaluate all Relevant and not otherwise impermissible evidence, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.
- May choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed Relevant and not impermissible. The Decisionmaker will not draw an inference about whether Sex-Based Harassment occurred based solely on a Party's or witness's refusal to respond to such questions.
- Will use the preponderance of the evidence standard of proof to determine whether Sex-Based Harassment occurred. The preponderance of the evidence standard means that it is more likely than not that a policy violation occurred and requires the evaluation of Relevant and not otherwise impermissible evidence for its persuasiveness. If the Decisionmaker is not persuaded under the applicable standard by the evidence that Sex-Based Harassment occurred, whatever the quantity of the evidence is, the Decisionmaker will not determine that Sex-Based Harassment occurred.
- Will notify the Parties simultaneously in writing of the Determination whether Sex-Based Harassment occurred under Title IX including:
 - A description of the alleged Sex-Based Harassment;
 - Information about the policies and procedures that SAE used to evaluate the allegations;
 - The Decisionmaker's evaluation of the Relevant and not otherwise impermissible evidence and Determination whether Sex-Based Harassment occurred;
 - When the Decisionmaker finds that Sex-Based Harassment occurred, any Disciplinary Sanctions SAE will impose on the Respondent, whether Remedies other than the imposition of Disciplinary Sanctions will be provided by SAE to the Complainant, and, to the extent appropriate, other students identified by SAE to be experiencing the effects of the Sex-Based Harassment; and
 - SAE's procedures and permissible bases for the Complainant and Respondent to appeal.
- Will not impose discipline on a Respondent for Sex-Based Harassment prohibited by Title IX unless there is a Determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in Sex-Based Harassment.
- Will comply with the Title IX grievance procedures before the imposition of any Disciplinary Sanctions against a Respondent; and
- Will not discipline a Party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the Determination whether Sex-Based Harassment occurred.

If there is a Determination that Sex-Based Harassment occurred, as appropriate, the Title IX Coordinator will:

- Coordinate the provision and implementation of Remedies to a Complainant and other people SAE identifies as having had equal access to SAE's Education Program or Activity limited or denied by Sex-Based Harassment;
- Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Complainant of any such Disciplinary Sanctions; and
- Take other appropriate prompt and effective steps to ensure that Sex-Based Harassment does not continue or recur within SAE's Education Program or Activity.

The Determination regarding responsibility becomes final either on the date that the Parties are provided with the written Final Determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

Appeals

SAE will offer an appeal from a dismissal or Determination whether Sex-Based Harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the Determination or dismissal was made; and
- The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

If a Party appeals a dismissal or Determination whether Sex-Based Harassment occurred, SAE will:

- Notify the Parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the Parties;
- Ensure that the Decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint; and
- Ensure that the Decisionmaker for the appeal has been trained consistent with the Title IX regulations.

An appeal by either Party must be made in writing to the Appeal Officer assigned to the appeal within seven (7) business days after such Party has received the decision in writing. An appeal must state the ground on which the appeal is made.

Upon receipt of an appeal, the Appeal Officer shall forward the appeal to the other Party. The non-appealing Party will have five (5) business days to submit a written statement in support of or against the appeal to the Appeal Officer.

The Appeal Officer will examine the information presented and issue a written Final Determination regarding the appeal and the rationale for appeal decision within ten (10) business days from the end of the five (5) business day period for the non-appealing Party's statement deadline. This Final Determination will be provided to both Parties simultaneously and will be final and cannot be further appealed.

Any additional procedures or bases for appeal SAE offers will be equally available to all Parties.

Disciplinary Sanctions and Remedies:

Following a Determination that Sex-Based Harassment occurred, SAE may impose Disciplinary Sanctions and Remedies, which may include but are not limited to:

For a student Respondent: disciplinary warning; disciplinary probation; suspension; expulsion; fines; behavioral agreements; no-contact orders; letter of apology; reflection/research papers; community restitution; mandatory training and education; mandatory meeting(s) with the Title IX or designee; mandatory counseling; or withholding or delaying the conferral of degree.

For a staff or faculty Respondent: no-contact orders; mandated counseling, education, and/or training; verbal warning; written warning; final written warning; suspension; involuntary termination.

SAE may also provide Remedies, which may include, but are not limited to: a No Contact Order; limiting and/or scheduling access of individual buildings; making an escort available to assist a Complainant or Respondent to move safely between classes and campus activities; adjusting class or work schedules or methods of participating in activities to minimize campus contact between a Complainant and a Respondent; counseling Complainant services; medical services; academic support, such as extensions of deadlines or other course-related adjustments; changes in work locations; leaves of absence; increased security and monitoring of certain areas of campus; or adjusting reporting lines.

Disclosure of Outcome

SAE will not share information obtained during the course of a proceeding with Parties external to SAE unless compelled to do so, such as by receipt of a lawfully issued subpoena. SAE may also share information about the proceeding and outcome consistent with FERPA or other legal requirements.

Special Procedure Concerning Complaints against a Title IX Coordinator

If a report alleges Sex Discrimination on the part of the Title IX Coordinator, the Chief Academic & Compliance Officer or her designee, will designate the Investigator and Decisionmaker and oversee the Supportive Measures, investigation, adjudication, and resolution process under this policy.

PART FOUR: GLOSSARY OF TERMS

Advisor means an individual chosen by a Party to accompany the Party to meetings related to the Complaint or SAE's grievance process and to advise the Party on that process.

Consent is informed, freely given, mutually understandable words or actions that indicate a willingness to participate in sexual activity.

Effective Consent may never be obtained when there is a threat of force or violence, or any other form of coercion, intimidation, force or threat of harm. Silence or lack of resistance or submission, in and of itself, does not demonstrate Consent. A current or previous dating or sexual relationship is not sufficient to constitute Consent, and Consent to one form of sexual activity or prior sexual activity does not imply Consent to other forms of sexual activity or future sexual activity. A person's Consent to engage in sexual activity with one person does not constitute Consent to engage in sexual activity with another, nor does a person's manner of dress constitute Consent.

Consent can be revoked at any time by expressing in words or actions that they no longer want the sexual activity to continue. When Consent is withdrawn or can no longer be given, sexual activity must stop. Consent cannot be obtained from someone legally prevented from giving Consent by their age, from someone who is unable to understand the nature of the activity or who cannot communicate a lack of Consent, or someone who is Incapacitated or otherwise unable to give knowing Consent due to the circumstances. Voluntary intoxication, recklessness, Incapacitation or the failure to take reasonable steps, in the circumstance known at the time, to ascertain Consent, are not excuses for failure to obtain Consent.

The definition of Consent does not vary based upon an individual's Sex, sexual orientation, gender identity or gender expression.

Complainant means:

- (1) A student or employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination or Retaliation under Title IX or its regulations; or
- (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination or Retaliation under Title IX or its regulations and who was participating or attempting to participate in the SAE's Education Program or Activity at the time of the alleged Sex Discrimination or Retaliation.

Complaint means an oral or written request to SAE that objectively can be understood as a request for SAE to investigate and make a Determination about alleged Sex Discrimination or Retaliation under Title IX or its regulations.

Confidential Employee means:

- (1) An employee of SAE whose communications are privileged or confidential under Federal or State law. The employee's confidential status, for purposes of this policy, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;
- (2) An employee of SAE that SAE has designated as confidential under this part for the purpose of providing services to persons related to Sex Discrimination or Retaliation. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about Sex Discrimination or Retaliation in connection with providing those services; or

- (3) An employee of SAE who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about Sex Discrimination—but the employee’s confidential status is only with respect to information received while conducting the study.

Certain Confidential Employees may nonetheless be required to disclose specific information by law, such as mandatory reporting laws.

Decisionmaker means an impartial individual(s) designated by the Title IX Coordinator who has decision-making and sanctioning authority within SAE’s grievance process.

Determination means the conclusion of the Decisionmaker based on the preponderance of the evidence standard of proof that Sex Discrimination or Retaliation did or did not occur.

Disciplinary Sanctions or Sanctions means consequences imposed on a Respondent following a Determination under Title IX that the Respondent violated the SAE’s prohibition on Sex Discrimination or Retaliation.

Educational Program or Activity means all of the operations of SAE in the United States. This includes, but is not limited to:

- Conduct that occurs in any building owned or controlled by a student organization that is officially recognized by SAE; and
- Conduct that is subject to SAE’s disciplinary authority.

SAE’s Education Program or Activity also includes a Sex-based hostile environment under SAE’s Education Program or Activity in the United States, even when some conduct alleged to be contributing to the hostile environment occurred outside SAE’s Education Program or Activity or outside the United States.

Final Determination means the conclusion of the appeal Decisionmaker to uphold or overturn the Decision of the original Decisionmaker. A Final Determination cannot be further appealed.

Incapacitation/Incapacity means the inability, temporarily or permanently, to give Consent, because an individual is mentally and/or physically helpless, asleep, involuntarily restrained, unconscious, or unaware that sexual activity is occurring. Depending on the degree of intoxication, someone under the influence of alcohol, drugs, or other intoxicants may be Incapacitated and therefore unable to Consent. Warning signs that a person may be approaching Incapacitation may include, but are not limited to, vomiting, incoherent speech, and difficulty walking or standing up. The perspective of a sober, reasonable person in the position of the Respondent will be the basis for determining whether a Respondent should have been aware that the Complainant was Incapacitated and therefore unable to Consent.

No Contact Order means a directive prohibiting contact between or among designated individuals through any means, direct or indirect, including personal contact, email, telephone, text message, social media, or by means of a third Party.

Party means a Complainant or Respondent. Parties means the Complainant and the Respondent.

Pregnancy and/or Related Conditions means:

- (1) Pregnancy, childbirth, termination of pregnancy, or lactation;
- (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Relevant means related to the allegations of Sex Discrimination or Retaliation under investigation as part of these grievance procedures. Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex Discrimination or Retaliation occurred, and evidence is Relevant when it may aid a Decisionmaker in determining whether the alleged Sex Discrimination or Retaliation occurred.

Remedies means measures provided, as appropriate, to a Complainant or any other person the SAE identifies as having had their equal access to the SAE's Education Program or Activity limited or denied by Sex Discrimination or Retaliation. These measures are provided to restore or preserve that person's access to the SAE's Education Program or Activity after a SAE determines that Sex Discrimination or Retaliation occurred.

Report means a notification to SAE of alleged Sex Discrimination or Retaliation. A Report—as distinct from a Complaint—does not request SAE to investigate and make a Determination about the allegations. A Report may, however, include a request that SAE provide Supportive Measures.

Respondent means a person who is alleged to have violated SAE's prohibition on Sex Discrimination or Retaliation.

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

Sex includes a person's actual or perceived gender assigned at birth, gender identity, and sexual orientation as well as Sex stereotypes, Sex characteristics, and Pregnancy or Related Conditions.

Sex Discrimination means discrimination based on Sex under SAE's Education Program or Activity.

Sex-Based Harassment is a form of Sex Discrimination and means sexual harassment and other harassment on the basis of Sex.

- (1) Quid pro quo harassment. An employee, agent, or other person authorized by the SAE to provide an aid, benefit, or service under the SAE's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- (2) Hostile environment harassment. Unwelcome Sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the SAE's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - (i) The degree to which the conduct affected the Complainant's ability to access the SAE's Education Program or Activity;
 - (ii) The type, frequency, and duration of the conduct;
 - (iii) The Parties' ages, roles within the SAE's Education Program or Activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;
 - (iv) The location of the conduct and the context in which the conduct occurred; and

(v) Other Sex-Based Harassment in the SAE's Education Program or Activity; or

(3) Specific offenses.

(i) Sexual assault meaning any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent; also unlawful sexual intercourse. Sexual Assault includes the following:

- (A) Rape—(Except Statutory Rape) The carnal knowledge of a person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental or physical Incapacity
- (B) Sodomy—Oral or anal sexual intercourse with another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental or physical Incapacity
- (C) Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental or physical Incapacity
- (D) Fondling—The touching of the private body parts of another person for the purpose of sexual gratification without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental or physical Incapacity
- (E) Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- (F) Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of Consent

(ii) Dating violence meaning violence committed by a person:

- (A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (1) The length of the relationship;
 - (2) The type of relationship; and
 - (3) The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

- (A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the SAE, or a person similarly situated to a spouse of the victim;
- (B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

- (C) Shares a child in common with the victim; or
 - (D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- (iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- (A) Fear for the person's safety or the safety of others; or
 - (B) Suffer substantial emotional distress.

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

- (1) Restore or preserve that Party's access to the SAE's Education Program or Activity, including measures that are designed to protect the safety of the Parties or the SAE's educational environment; or
- (2) Provide support during SAE's grievance procedures or during an Informal Resolution process.

CHICAGO CAMPUS ADDENDUM

Introduction

The purpose of this Addendum is to document SAE's compliance with Illinois state law including the Illinois Human Rights Act and the Illinois Preventing Sexual Violence in Higher Education Act, 110 ILCS 155/1 *et seq.* at its Chicago, Illinois campus.

Notice of Medical Provider and Sexual Assault Crisis Center

Individuals may obtain a forensic examination at no cost at the following medical facility:

Northwestern Memorial Hospital

251 East Huron Street

Chicago, IL 60611

Individuals may also desire to contact a community-based, state, or national sexual assault crisis center to obtain external services such as counseling. The National Sexual Assault Hotline number is: 1-800-656-4673. The name and contact information for a local Sexual Assault Crisis Center is set forth below:

Resilience

888-293-2080

180 N. Michigan Ave, Suite 600

Chicago, IL 60601

<http://www.ourresilience.org>

The Employee Reporting Obligations section in Part One is amended to read as follows:

Employee Reporting Obligations

All Employees, Except Confidential Employees: When an employee, who is not a Confidential Employee, has information about conduct that reasonably may constitute Sex Discrimination or Retaliation in an Education Program or Activity, the employee must notify the Title IX Coordinator promptly.

Confidential Employees: When a person informs a Confidential Employee of conduct that reasonably may constitute Sex Discrimination or Retaliation in an Education Program or Activity, the Confidential Employee must explain the following:

- i. The Confidential Employee's status as confidential, including the circumstances in which the Confidential Employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute Sex Discrimination;
- ii. Options of resources and services for survivors of sexual violence, including, but not limited to, student services available on campus and through community-based resources, including without limitation sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services, and mental health services;
- iii. The individual's rights and SAE's responsibilities regarding orders of protection, No Contact Orders, or similar lawful orders issued by SAE or a criminal or civil court;

- iv. The Confidential Employee's ability to provide confidential services to and have privileged, confidential communications with survivors of sexual violence;
- v. The Confidential Employee's ability to liaise with SAE officials, community-based sexual assault crisis centers, or local law enforcement upon the individual's request and as appropriate, and, if requested, assist the individual with contacting and reporting to SAE officials or local law enforcement.
- vi. The individual's choice of possible next steps for reporting options and possible outcomes, including without limitation reporting pursuant this policy and notifying local law enforcement.
- vii. How to contact the Title IX Coordinator and how to make a Complaint of Sex Discrimination; and
- viii. That the Title IX Coordinator may be able to offer and coordinate Supportive Measures, as well as initiate an informal resolution process or an investigation.

When a student, or a person who has a legal right to act on behalf of the student, informs any employee (including a Confidential Employee) of the student's Pregnancy or Related Conditions the Employee must promptly provide that person with the Title IX Coordinator's contact information and inform them that the Title IX Coordinator can coordinate specific actions to prevent Sex Discrimination and ensure the student's equal access to SAE's Education Program or Activity.

The Employee Training Requirements section in Part One is amended to read as follows:

Employee Training Requirements

SAE will ensure that the persons described below receive training related to their duties under this policy promptly upon hiring or change of position that alters their duties under this policy and annually thereafter. The training provided will not rely on Sex stereotypes.

All Employees

All employees will be trained on the SAE's obligation to address Sex Discrimination and Retaliation in its Education Program or Activity, the scope of conduct that constitutes Sex Discrimination or Retaliation under this policy, including the definition of Sex-Based Harassment, and all applicable notice requirements related to a student's current, potential, or past Pregnancy or Related Conditions and the SAE's general response to Sex Discrimination or Retaliation.

SAE will also provide annual survivor-centered and trauma-informed response training designed to improve the trainee's ability to understand

1. SAE's grievance policy;
2. The relevant federal and State law concerning survivors of sexual violence, domestic violence, dating violence, and stalking at higher education institutions;
3. The roles of SAE, medical providers, law enforcement, and community agencies in ensuring a coordinated response to a reported incident of sexual violence;
4. The effects of trauma on a survivor;
5. The types of conduct that constitute sexual violence, domestic violence, dating violence, and stalking, including same-sex violence; and
6. Consent and the role drugs and alcohol use can have on the ability to Consent.

The training will also seek to improve the trainee's ability to respond with cultural sensitivity; provide services to or assist in locating services for a survivor, as appropriate; and communicate sensitively and compassionately with a survivor of sexual violence, domestic violence, dating violence, or stalking.

Investigators, Decisionmakers, and Other Persons

In addition to the training provided to all employees, all Investigators, Decisionmakers, and other persons who are responsible for implementing SAE's Title IX grievance procedures or who have the authority to modify or terminate Supportive Measures will be trained on the following topics to the extent related to their responsibilities:

1. SAE's obligation to respond to Sex Discrimination or Retaliation;
2. SAE's Title IX grievance procedures;
3. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
4. The meaning and application of the term "Relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.

Decisionmakers will also receive a minimum of 8 to 10 hours of annual training on issues related to sexual violence, domestic violence, dating violence, and stalking and how to conduct SAE's complaint resolution procedures.

SAE will have a sufficient number of individuals trained to resolve Complaints so that (i) a substitution can occur in the case of a conflict of interest or recusal and (ii) an individual or individuals with no prior involvement in the Determination or finding hear any appeal brought by a Party.

Facilitators of Informal Resolution Process

In addition to the training provided to all employees, all facilitators of an Informal Resolution process will be trained on the rules and practices associated with SAE's Informal Resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.

Title IX Coordinator and Designees

In addition to the training provided to all employees and other Title IX team members, as listed above, the Title IX Coordinator and any designees will be trained on their specific responsibilities, SAE's recordkeeping system and requirements, and any other training necessary to coordinate SAE's compliance with Title IX and this policy.

Illinois-Based Confidential Employees

All Illinois-based Confidential Employees will receive 40 hours of training on sexual violence and will attend a minimum of 6 hours of ongoing education training annually on issues related to sexual violence. Confidential Employees will also receive periodic training on the campus administrative processes, Supportive Measures and accommodations, and SAE's grievance procedures.

An additional section following Employee Training Requirements in Part One will be included as follows:

Student Prevention and Awareness Programming

SAE will provide sexual violence primary prevention and awareness programming for all students who attend one or more classes at SAE, which will include, at a minimum, the following:

1. SAE's definition of Consent, inability to Consent, and Retaliation as those terms relate to sexual violence;
2. Reporting to SAE, and local law enforcement;
3. Reporting to Confidential Employees or other confidential resources;
4. Available survivor services; and
5. Strategies for bystander intervention and risk reduction.

At the beginning of each academic year, SAE will provide each student with an electronic copy or hard copy of this policy.

The Appeals section in Parts Two and Three is amended to read as follows:

Appeals

SAE will offer an appeal from a dismissal or Determination whether Sex-Based Harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the Determination or dismissal was made;
- The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome; and
- Regarding an appeal from a Determination only, the Disciplinary Sanction is disproportionate with the violation.

If a Party appeals a dismissal or Determination whether Sex-Based Harassment occurred, SAE will:

- Notify the Parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the Parties;
- Ensure that the Decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint; and
- Ensure that the Decisionmaker for the appeal has been trained consistent with the Title IX regulations.

An appeal by either Party must be made in writing to the Appeal Officer assigned to the appeal within seven (7) business days after such Party has received the decision in writing. An appeal must state the ground on which the appeal is made.

Upon receipt of an appeal, the Appeal Officer shall forward the appeal to the other Party. The non-appealing Party will have five (5) business days to submit a written statement in support of or against the appeal to the Appeal Officer.

The Appeal Officer will examine the information presented and issue a written Final Determination regarding the appeal and the rationale for appeal decision within seven (7) business days from the end of the five (5) business day period for the non-appealing Party's statement deadline. This Final Determination will be provided to both Parties simultaneously and will be final and cannot be further appealed.

Any additional procedures or bases for appeal SAE offers will be equally available to all Parties.

The definition of Sex-Based Harassment in Part Four is amended to read as follows:

Sex-Based Harassment is a form of Sex Discrimination and means sexual harassment and other harassment on the basis of Sex.

- (1) Quid pro quo harassment. An employee, agent, or other person authorized by the SAE to provide an aid, benefit, or service under the SAE's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- (2) Hostile environment harassment. Unwelcome Sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the SAE's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - (i) The degree to which the conduct affected the Complainant's ability to access the SAE's Education Program or Activity;
 - (ii) The type, frequency, and duration of the conduct;
 - (iii) The Parties' ages, roles within the SAE's Education Program or Activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;
 - (iv) The location of the conduct and the context in which the conduct occurred; and
 - (v) Other Sex-Based Harassment in the SAE's Education Program or Activity; or
- (3) Specific offenses.
 - (i) Sexual assault meaning any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent; also unlawful sexual intercourse. Sexual Assault includes the following:
 - (A) Rape—(Except Statutory Rape) The carnal knowledge of a person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental or physical Incapacity
 - (B) Sodomy—Oral or anal sexual intercourse with another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental or physical Incapacity
 - (C) Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental or physical Incapacity
 - (D) Fondling—The touching of the private body parts of another person for the purpose of sexual gratification without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her

age or because of his/her temporary or permanent mental or physical Incapacity

(E) Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

(F) Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of Consent

(ii) Dating violence meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the SAE, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or

(iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

(4) Unwelcome conduct meaning:

(i) Unwelcome conduct by an SAE Representative toward a student on the basis of a student's actual or perceived sex, marital status, sexual orientation, or pregnancy that has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile, or offensive educational environment.

(ii) Sexual advances, or requests for sexual favors made by an SAE Representative to a student; or any conduct of a sexual nature exhibited by an SAE Representative toward a student, when such conduct has the purpose of substantially interfering with the student's educational performance or creating an intimidating, hostile or offensive educational environment; or when the SAE Representative either explicitly or implicitly makes the student's submission to such conduct a term or condition of, or uses the student's submission to or rejection of such conduct as a basis for determining:

(A) Whether the student will be admitted to SAE;

(B) The educational performance required or expected of the student;

- (C) The attendance or assignment requirements applicable to the student;
- (D) To what courses, fields of study or programs, including honors and graduate programs, the student will be admitted;
- (E) What placement or course proficiency requirements are applicable to the student;
- (F) The quality of instruction the student will receive;
- (G) What tuition or fee requirements are applicable to the student;
- (H) What scholarship opportunities are available to the student;
- (I) What extracurricular teams the student will be a member of or in what extracurricular competitions the student will participate;
- (J) Any grade the student will receive in any examination or in any course or program of instruction in which the student is enrolled;
- (K) The progress of the student toward successful completion of or graduation from any course or program of instruction in which the student is enrolled; or
- (L) What degree, if any, the student will receive.

For purposes of this definition, an SAE Representative means and includes the president, chancellor or other holder of any executive office on the administrative staff of SAE, a member of the faculty of SAE, including but not limited to a dean or associate or assistant dean, a professor or associate or assistant professor, and a full or part time instructor or visiting professor, including a graduate assistant or other student who is employed on a temporary basis of less than full time as a teacher or instructor of any course or program of academic, business or vocational instruction offered by or through SAE.