

COVENANT COLLEGE NON-DISCRIMINATION, HARASSMENT, AND RELATED MISCONDUCT POLICY

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Section 1: Introduction

1.1 Policy Statement: Covenant College does not discriminate on the basis of race, color, national or ethnic origin, age, disability, veteran status, or other prohibited category under applicable law, in its educational programs or activities, including admission and employment. It does not discriminate on the basis of sex in the educational programs or activities it operates, including admission and employment, except to the extent as required by the ordination policies of the Presbyterian Church in America (a corporation).

This Policy addresses the process by which all forms of discrimination and harassment based on an individual's protected status or protected characteristic, as defined, are received and remediated. For the purposes of this policy, "discrimination" also includes failing to provide reasonable accommodations, consistent with state and federal law.

1.2 Applicability: This Policy applies to students and employees as follows:

- 1.2.1 **To Students:** Where the Respondent is a student at Covenant College at the time of the alleged conduct, the alleged conduct includes discrimination, harassment, and related misconduct under this Policy, the alleged conduct occurs in Covenant College's Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in Covenant College's Education Program or Activity.
- 1.2.2 **To Employees:** Where the Respondent is an employee at Covenant College at the time of the alleged conduct, where the alleged conduct includes discrimination, harassment, and related misconduct under this Policy, the alleged conduct occurs in Covenant College's Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in Covenant College's Education Program or Activity.

1.3 Religious Exemption: Nothing in this policy waives Covenant College's religious freedom rights under the United States Constitution and other applicable laws. Covenant College's policies shall be interpreted within the context of the religious tenets of the Presbyterian Church of America (PCA) and shall not be interpreted in a way to prevent the College from applying its religious tenets. To the extent that application of a Title IX, Title VII, or similar provision is inconsistent with the College's religious tenets, Covenant College is entitled to a religious exemption.

1.4 Retaliation: The Policy also addresses how the college will respond to instances and allegations of retaliation against an individual who has materially adverse action taken or threatened against them because they have, in good faith, filed a complaint or grievance; sought the aid of Human Resources or the Title IX Office; sought the aid of others involved in an investigation, compliance review, proceeding or hearings; or who opposed actual or perceived violations of policy or unlawful acts.

1.5 Human Resources and Title IX Officials: The Title IX Office is responsible for resolving, under the procedures set out in this policy, all allegations of sex-based discrimination that does not meet the criteria of sexual harassment. The Title IX Office is also responsible for resolving sexual harassment under the procedures set out in the [Title IX and Sexual Misconduct Policy](#). The Office of Human Resources is responsible for resolving, under the procedures set out in this policy, all other allegations of prohibited discrimination, harassment, and related misconduct.

Name	Position	Office	Phone	Email
Kate Raiford	ScotsWork Student Employment Coordinator (HR)	Carter Hall 103A	706-41 9-1120	kate.raiford@covenant.edu
Sarah Erickson	Title IX Coordinator	Carter Hall 103C	706-41 9-1116	sarah.erickson@covenant.edu
Nesha Evans	Deputy Title IX Coordinator for Students	Carter Hall 138C	706-41 9-1106	nesha.evans@covenant.edu

1.6 Standard of Proof: The burden rests with the College to prove that a violation of this policy occurred by a preponderance of the evidence (more likely than not) standard.

1.7 Assistance for Persons with Disabilities: Individuals with disabilities may request reasonable accommodations during the duration of the process.

1.8 Other Federal & State Laws and College Policies: This Policy should be read as consistent with all applicable federal and state laws addressing discrimination, harassment, and related misconduct. In the event of a conflict, this Policy takes precedence over other College policies and procedures concerning discrimination except for Sexual Harassment as defined under Title IX.

1.9 Effective Date: The effective date of this Policy is November 26, 2024.

1.10 Modification and Review of this Policy: Covenant College reserves the right to modify this Policy to take into account applicable legal requirements. Covenant College will regularly review this Policy to determine whether modifications should be made.

Section 2: Definitions

2.1 Definitions of Prohibited Conduct Under this Policy

2.1.1 **Discrimination** is unequal, adverse treatment of an individual because of his or her protected legal status, such as race, color, age, sex, national origin, or disability. Such discriminatory behavior violates the law and is contrary to Covenant College's Statement of Purpose, and it will not be tolerated.

2.1.2 **Harassment**: a type of discrimination that occurs when unwelcome verbal, visual, physical, electronic, or other conduct based on an individual's or group's protected status or characteristic is sufficiently serious to significantly interfere with that individual's or group's ability to participate in or benefit from Covenant College's programs or activities or their terms and conditions of employment. This can include conduct that significantly interferes with the individual's or group's:

- educational environment (e.g., admission, academic standing, grades, assignment);
- work environment (e.g., hiring, advancement, assignment);
- participation in a College program or activity (e.g., campus housing); or
- receipt of legitimately requested services (e.g., disability or religious accommodations).

Types of Harassment:

- **Hostile Environment Harassment**: unwelcome conduct based on protected status that is so severe, pervasive, objectively offensive that it alters the conditions of education, employment, or participation in a program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, would not create a hostile environment. Harassment is distinguished from behavior that, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities.
- **Quid Pro Quo Harassment**: conditioning an individual's education, employment, or participation in a program or activity on submission to unwelcome conduct on the basis of protected status or characteristic.
- **Sexual Harassment**: prohibited types of harassment that are covered under the Title IX policy.

2.2 Additional Definitions

2.2.1 **Advisor**: Complainants and Respondents may choose a person of their choice to support them throughout the process and this person may attend meetings with them. It is the decision of the Complainant and Respondent to communicate with their Advisor regarding allegations, times and dates of meetings, and any other information regarding the case. The Covenant College staff will not discuss the case with the Advisor. The Advisor:

- may be a friend, colleague, or other Covenant campus community member, as well as a non-campus community member, such as an attorney;

- is limited to quietly conferring with the Complainant or Respondent through written correspondence during meetings;
- shall not engage directly in any of the proceedings; and
- may not act or speak on behalf of or in lieu of a party.

2.2.2 Allegation: a statement by a Complainant alleging an act of discrimination, harassment, or related misconduct.

2.2.3 Business Day: any weekday not designated by Covenant College as a holiday or administrative closure day. When calculating a period of Business Days specified in this Policy, the Business Day of the event that triggers a time period is excluded.

2.2.4 Complainant: the person filing a Complaint alleging that they have been subject to discrimination, harassment, or related misconduct. Complainants and Respondents are referred to collectively as “parties” throughout this Policy.

2.2.5 Complaint: a formal notification, in writing, alleging that discrimination, harassment, or related misconduct has occurred.

2.2.6 Preponderance of evidence: one type of evidentiary standard used in a burden of proof analysis in which the burden of proof is met when the Party with the burden convinces the fact finder that it is more likely than not that the claim is true.

2.2.7 Protected Status/Characteristics:

- **Age:** the number of years from the date of a person’s birth. With respect to employment, individuals who are forty (40) years of age or older are protected from discrimination and harassment based on age. There is no age threshold for protection from discrimination for students or other participants in educational programs or activities.
- **Color:** an individual’s skin pigmentation, complexion, shade, or tone.
- **Disability:** a physical or mental impairment that substantially limits one or more major life activities. Individuals are protected from discrimination if they have such an impairment; have a record of such impairment; or are regarded as having such impairment. A qualified person with a disability must be able to perform the essential functions of the employment or volunteer position or the academic, athletic, or extra-curricular program, with or without a reasonable accommodation.
- **National Origin:** an individual’s actual or perceived country or ethnicity of origin.
- **Race:** an individual’s actual or perceived racial or ethnic ancestry or physical characteristics associated with a person’s race, such as a person’s color, hair, facial features, height, and weight.
- **Sex:** either of the two categories (male and female) into which human beings are divided on the basis of their reproductive functions.
- **Veteran Status:** covered veterans include disabled veterans, special disabled veterans, veterans of the Vietnam era, and other protected veterans as defined by federal and state law.

2.2.8 Respondent: the person or office, program, department, or group against whom the allegation or Complaint is made; i.e., the individual(s), organizational unit(s), or group(s) accused of discrimination, harassment, or related misconduct.

2.2.9 Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute discrimination, harassment, or related conduct. Complainants and Respondents are referred to collectively as “parties” throughout this Policy.

2.2.10 Retaliation: any materially adverse action taken or threatened against an employee or student because the employee or student has, in good faith, filed a Complaint or grievance; sought the aid of Human Resources; sought the aid of the testified or participated in investigations, compliance reviews, proceedings, or hearings; or opposed actual or perceived violations of policy or unlawful acts. “Good faith” reporting is a reasonable and sincere belief that the information provided is true.

Individuals are also protected from retaliation for making good faith requests for accommodations on the basis of religion or disability. To be a Policy violation, the challenged actions or treatment must be sufficiently serious to discourage a reasonable person from further reporting, participation, or opposition.

This Policy prohibits Retaliation:

- **Against the Complainant:** It is a violation of this Policy to retaliate against a complainant or other individual or group for making a good faith report of discrimination, harassment, or related misconduct or for opposing what they reasonably believe to be prohibited discrimination, harassment, or related misconduct in some other way. If warranted, the appropriate senior administrator may monitor performance review, promotion, reappointment, grading, or other evaluation—or, to the extent possible, may reassign the supervisory relationship or other role of authority—to ensure that retaliation does not occur.
- **Against the Respondent:** A claim of discrimination, harassment, or related misconduct is not proof of prohibited conduct. A claim shall not be taken into account during an individual respondent’s performance review, promotion, reappointment, or other evaluation unless a final determination has been made that the Respondent has violated Covenant College’s *Non-Discrimination, Harassment, and Related Conduct Policy*. If necessary and appropriate, such decisions shall be deferred until the claim is resolved.
- **Against a Witness or Participant in the Investigation:** It is also a violation of this Policy to retaliate against an individual or group providing information related to a Complaint.

A claim of retaliation by a Complainant, Respondent, or Witness will be resolved under [The Employee Handbook](#) and [The Student Handbook](#) of Covenant College.

2.2.12 Stalking: a course of conduct (including cyberstalking) based on a protected characteristic and directed at a specific person that would cause a reasonable person to fear for their safety or the safety of another, or to suffer substantial emotional distress.

Section 3: Reporting of Discrimination, Harassment, or Related Misconduct

3.1 Reporting to the Director of Human Resources or Title IX Coordinator: Individuals may but are not required to follow any “chain of administration” or “chain of command” to file a Complaint. Faculty, staff, students, and third parties (such as contractors or visitors) can report discrimination, harassment, or related misconduct committed by faculty, staff, or third parties to the Director of Human Resources (DHR) or other designee or, for sex-based discrimination, to the Title IX Coordinator or Deputy Coordinators.

3.2 Response after Reporting: Upon receipt of the report of possible discrimination, harassment, or related misconduct, the DHR or Title IX Coordinator will clarify the details of the Complaint with the Complainant, inform the Respondent of the Complaint in a timely manner, and establish any needed supportive measures to provide for the safety of the Parties and the campus community.

3.3 Reporting to Confidential Employees: College resources are available to provide counseling, information, and support in a confidential setting. These confidential resources will not share information about a report of discrimination, harassment, or related misconduct without the individual’s express written permission unless there is a continuing threat of serious harm to the Complainant or to others, or there is a legal obligation to reveal such information including suspected abuse or neglect of a minor. The confidential resources available to individuals on campus are:

Chaplain’s Office
Rev. Grant Lowe, College Chaplain
Carter Hall 115
grant.lowe@covenant.edu
706.419.1360

On-Campus Counseling
Priesthill Counseling Center
706-419-1275
healthservices@covenant.edu
M–F:8:30 a.m.–4:30 p.m.
Jackson Hall, 1st floor

3.4 Reporting to Law Enforcement: Some forms of discrimination, harassment, or related misconduct may implicate federal and/or state laws. Complainants or Respondents may choose to invoke external processes to resolve their concerns instead of or in addition to pursuing the College’s process. Some forms of discrimination or harassment may also be criminal in nature and therefore may be pursued with the local law enforcement agency. A Complainant may choose to utilize the procedures set forth herein, report the alleged conduct to law enforcement, or both.

3.5 Reporting Timelines: To maintain and support a community that is respectful and free from discrimination, harassment, and related misconduct and to maximize the College’s ability to respond promptly and effectively, we urge individuals to come forward with reports of concerns or with Complaints as soon as possible. The sooner a Complaint is filed, the more effectively it can be investigated, e.g., while witnesses are still available, memories are fresh, and

documentation may still be available. The longer the delay in filing the Complaint the more difficult it is for the College to investigate.

In some cases, for example, in which the individual is found responsible for misconduct but is no longer affiliated with the College, we may not be able to take disciplinary action. However, in the case that misconduct is concluded, Covenant College will strive to provide other fair and reasonable measures to support the reporting Party and minimize any future harm.

Section 4: Confidentiality

4.1 Confidentiality Policy: Covenant College recognizes the importance of confidentiality. Breaches of confidentiality compromise the College's ability to investigate and resolve claims of discrimination, harassment, and related misconduct. Covenant College will attempt to protect the confidentiality of the Complaint process to the extent reasonably possible. Investigators, Advisors, mediators, decisionmakers, and any others participating in the process on behalf of Covenant College shall keep the information obtained through the process confidential. All other participants in the process (including the Complainant, Respondent, non-College Advisors, and Witnesses) are required to respect the confidentiality of the proceedings and circumstances giving rise to the dispute and to discuss the matter only with those persons who have a genuine need to know. Covenant College and its representatives will not comment publicly on such proceedings or respond to social media questioning in relation to accusations/ Complaints or proceedings.

4.2 Exclusions to Confidentiality: While Covenant College is committed to respecting the confidentiality of all Parties involved in the process, it cannot guarantee complete confidentiality. Examples of situations in which confidentiality cannot be maintained include:

- when the College is required by law to disclose information (such as in response to a subpoena or court order);
- when disclosure of information is determined by the DHR or Title IX Coordinator to be necessary for conducting an effective investigation of the claim; and
- when confidentiality concerns are outweighed by the College's interest in protecting the safety or rights of others.

Section 5: Informal Resolution

5.1 Informal Resolution Availability: Subject to the College's obligations set out in Section 3, when appropriate (such as when a Complainant does not wish to pursue a harassment or discrimination concern through the submission of a formal Complaint), the DHR or, in matters of sex-based discrimination, the Title IX Coordinator may decide to pursue more informal mechanisms to address a situation.

None of the possible informal resolution mechanisms noted below are required prior to filing a Complaint of discrimination, harassment, or related misconduct and, in some cases, informal resolution mechanisms may not be appropriate. The DHR or the Title IX Coordinator reserves

the right to determine whether informal resolution is appropriate for a specific case, and both Parties must agree to enter the informal resolution process before proceeding.

5.2 Possible Mechanisms for Informal Resolution

The following is a non-exhaustive list of possible mechanisms to informally address a concern or Complaint. None of the actions set forth below is required before an individual may file a Complaint. Actions taken utilizing any of these mechanisms do not constitute a formal finding of a violation of the Policy.

Should any of the following mechanisms fail to resolve the matter satisfactorily, an individual may file a Complaint as set forth in the Formal Complaint section of these procedures. At any time prior to reaching a resolution, a Complainant may withdraw from the Informal Resolution process. Respondents may also withdraw at any time prior to reaching a resolution from those mechanisms involving one-on-one meetings or facilitated conversations. The DHR or the Title IX Coordinator shall also have the authority to determine that an informal resolution is not an appropriate mechanism and should move to a formal investigation or another resolution process instead.

5.2.1 One-on-One Meeting. The Complainant, either alone or with an Advisor, may meet with the individual whose behavior is causing concern, discuss the situation, clearly communicate that the behavior is unwanted, and that the Complainant wishes it to cease.

5.2.2 Intervention by Supervisor or Other Individual with Authority. The Complainant may request assistance in addressing the behavior from an individual with supervisory authority over the person whose conduct is an issue. While the College's ability to impose discipline may be limited in the absence of a formal finding of a violation, an individual with supervisory authority may be able to meet with the individual whose behavior is causing concern and clearly communicate that the behavior is unwanted and that the complaining Party wishes it to cease.

5.2.3 Facilitated Conversation, Mediation, or Restorative Process. If all Parties are willing, the DHR or, in matters of sex-based discrimination, the Title IX Coordinator will arrange for a facilitator or mediator to help resolve the issue.

5.2.4 Training, Education, or Coaching. Training, education, or coaching may be arranged to assist in addressing specific behaviors or issues.

5.3 Informal Resolution Timeframe: When possible, resolution of a Complaint should be achieved in a timely manner. All reasonable efforts should be made to complete any agreed-upon informal process for resolution within 30 business days from receipt of the concern. In cases of extenuating circumstances, this timeline may be extended.

5.4 Achievement of Informal Resolution

A resolution utilizing the Informal Resolution process does not necessarily establish a violation of this Policy. However, except for mediation and restorative process, the admission of any conduct by the Respondent in the course of an Informal Resolution may be considered in any

future proceedings under this Policy, if such admission is either relevant to the subsequent proceedings or such prior admission demonstrates a pattern or practice of prohibited conduct.

Once the College, Complainant, and Respondent reach an agreed upon resolution, the Complainant and the Respondent have two business days to change their mind about the resolution of the complaint. If either the Complainant or Respondent changes their mind regarding the agreed upon resolution, they must do so in writing and submit it to the DHR or Title IX Coordinator. Should the request not be received in writing (including electronically), or is not submitted within two business days, the Informal Resolution will be considered final and binding. After the Informal Resolution agreement is binding, a formal Complaint may not be filed later about the same matter unless the agreement is not upheld. Any breach of the terms of an Informal Resolution agreement may result in a further claim of discrimination, harassment, or related misconduct and disciplinary action.

Section 6: Formal Complaints

All formal Complaints follow the processes outlined below and are administered by the DHR or, in matters of sex-based discrimination, the Title IX Coordinator.

6.1 Filing a Formal Complaint: To initiate a formal Complaint, individuals must complete the [Employee Grievance Form](#) which may be filled out online or may be obtained from the Human Resources Office.

6.2 Filing a Formal Complaint on Behalf of Another Party: Concerns may also arise because a manager, supervisor, or other individual with oversight responsibility becomes aware of conduct potentially covered by the Policy, either through an allegation or by direct observation. In this situation, the manager, supervisor, or other individual should report the situation to the DHR or the Title IX Coordinator. In certain circumstances the DHR or the Title IX Coordinator, upon learning of conduct potentially covered by the Policy, may be required to take action, which may include conducting an investigation.

6.3 Alternative Director and Coordinator: If the complaint is against the DHR or another designee and would otherwise be under their jurisdiction, the Vice President of Operations & Finance (VPOF) will fill the role of the DHR for staff members and the Vice President for Academic Affairs (VPAA) for faculty members. If the complaint is against the Title IX Coordinator and would otherwise be under their jurisdiction, the Deputy Coordinators will fill the role of the Title IX Coordinator.

6.4 Notice of Received of Complaint: Once a Complaint is submitted, the DHR, other designee, or Title IX Coordinator shall review the Complaint to determine the extent of an investigation, if warranted. The College will provide timely notice to the respondent of a complaint.

6.5 Withdrawal of Complaint: At any time prior to the conclusion of the investigation, the Complainant may withdraw a Complaint. However, if the allegations or information obtained through the investigation raises issues of potential serious concern to the College community or for other compelling reasons, the DHR or Title IX Coordinator may nonetheless proceed with an

investigation. Whether the circumstances warrant an investigation in the absence of a Complaint is at the discretion of the DHR or Title IX Coordinator.

Section 7: Formal Investigation

Once a Complaint is accepted for investigation, the DHR or Title IX Coordinator shall assign the Complaint to one or two trained Investigators. Upon completion of the investigation, the Investigators will make findings of fact using preponderance of evidence standard to determine whether such findings establish a violation of the Policy.

7.1 Right to Present Evidence: All Parties involved shall have the opportunity to provide evidence and witnesses to be interviewed during the investigation. The Parties have the right to have an Advisor present during meetings with the Investigators.

7.2 Right to Review Investigative Summary: The Investigators will provide a summary report of the evidence obtained during the investigation for the Complainant and Respondent, giving them the opportunity to respond.

7.3 Investigation Timeframe: The investigation process will generally take no longer than 30 business days from the date the Complaint is filed. If the investigation expects to take longer, the Parties will be notified. The process lays out the timeline that is to be ordinarily followed. In extenuating circumstances, the DHR or Title IX Coordinator has authority to extend such timelines. In the case of such an extension, the DHR or Title IX Coordinator will notify the relevant Parties in writing accordingly, including the reason(s) for the extension. Examples of extenuating circumstances include the complexity of the case, the unavailability of Parties or witnesses, and inclement weather or other unforeseen circumstances.

7.4 College Initiated Investigation

If the DHR or Title IX Coordinator has reason to believe an individual has engaged in conduct that might violate the Policy, the DHR or Title IX has authority to undertake an investigation, notwithstanding the absence of a filed or submitted Complaint.

7.5 Supportive Measures

When appropriate, the DHR or Title IX Coordinator may implement supportive measures to foster a more stable and secure environment during the resolution of a Complaint, including to ensure the safety of the individual(s) involved (including the Parties and/or witnesses). These measures may be taken prior to any determination regarding whether there has been a violation. These measures may not be punitive in any way.

Possible interim measures include, but are not limited to:

- counseling
- extensions of deadlines or other course or work related adjustments
- modifications of work or class schedules
- campus escort services
- mutual restrictions on contact between the parties
- changes in work or housing locations

- leaves of absence, increased security and monitoring of certain areas of the campus

Violations of supportive measures will be addressed under the Policy.

7.6 Determination

Upon completion of the investigation, the Investigators will submit the investigative report or other written documentation to the DHR or Title IX Coordinator. The DHR or Title IX Coordinator, or at their discretion an external individual will make a determination as to whether there is sufficient information to establish a violation, using the preponderance of the evidence standard. According to the preponderance of the evidence standard, based on the information acquired during the investigation, more likely than not, a violation of this Policy occurred.

The DHR or Title IX Coordinator will submit the investigative report or other written documentation to the Parties. This document will generally be the same for both Parties, containing a summary of the investigation, any factual findings, and the determination as to whether there is a violation of the Policy. This written report is confidential and is for no one but the Complainant, Respondent and with extreme discretion, any appropriate College official who would have responsibility to carry out some aspect of any possible remedial action, mitigation or resolution of the complaint. Violations of confidentiality may result in disciplinary actions.

In cases in which a violation has been concluded, the report submitted to the Complainant will also include any remedial actions to address any harm to the Complainant caused by the violation. Sanctions or disciplinary actions against the Respondent are discussed below. Remedial actions should be reasonably calculated to minimize the potential for recurrence of the prohibited conduct, as well as to reasonably remedy any negative consequences from that.

7.7 Disciplinary Sanctions

In cases where there is a finding of a violation of this Policy, the DHR or Title IX Coordinator will confer with the VPAA (for cases involving faculty), or the Dean of Students (for cases involving students), or the VPOF (for cases involving staff) to determine appropriate disciplinary sanction(s).

This determination will take into consideration all of the circumstances of the current incident(s), as well as any prior admissions and/or findings of a violation. Examples include, but are not limited to:

For Students:

- **Expulsion:** Permanent severance of the student's relationship with the College. This severance includes being barred from campus.
- **Immediate Suspension:** The student may be required to leave the campus immediately if, in the opinion of the Title IX Coordinator, the student's presence on campus would be detrimental to the institution. Suspension without a hearing shall continue until the disciplinary process is completed. Best efforts will be made to schedule and complete the disciplinary process as promptly as possible.
- **Limited Suspension:** A student may be denied any participation for a specified period of time. These privileges may include, but are not limited to, class

attendance, housing, parking on campus, participation in extracurricular activities, ID card privileges, access to institutional facilities, and access to the campus.

- **Disciplinary Probation:** Notice to the student that any further, major disciplinary violation may result in suspension. Disciplinary probation might also include one or more of the following: the setting of restrictions or the issuing of a reprimand.
- **Mentor Discipleship:** a student may be required to meet weekly with a mentor to discuss appropriate conduct and personal responsibility
- **Appropriate Behavior Education:** a student may be required to complete an assigned curriculum addressing appropriate conduct.
- **Written Reprimand:** official warning or reproof sent to a student and retained in the student's file declaring that further similar conduct will result in immediate and increasing levels of disciplinary action. This may include continuation of supportive measures instituted during the grievance process

For Employees:

- **Written Warning:** an official document detailing the conduct and steps required to address or otherwise remedy it.
- **Appropriate Behavior Education:** an employee may be required to complete an assigned curriculum addressing appropriate conduct.
- **Termination of Employment:** Permanent severance of the employee's relationship with the College. This may include being barred from campus.

The DHR shall communicate to the Respondent any disciplinary sanctions resulting from the determination. The DHR, Title IX Coordinator, VPAA, VPOF or Dean of Students (whoever is appropriate for the case) will verify that the actions have been implemented.

Disciplinary Sanctions should be reasonably calculated to minimize the potential for recurrence of the prohibited conduct, as well as to reasonably remedy any negative consequences from the prohibited conduct.

Section 8: Appeals

8.1 Appeals Overview Either Party has the right to appeal the determination of the Investigators as to whether there is a Policy violation on the grounds stated below. If no appeal is submitted within three (3) business days after submission of the written determination document to the Parties, the findings and determinations shall become final and not subject to further appeal.

Remedial/non-disciplinary actions may be implemented during the course of the appeals process unless inappropriate to do so.

Supportive measures that have been implemented in the course of the investigation will be extended throughout the appeal process.

8.2 Grounds for Appeal and Submission

Grounds for an appeal are limited to the following cases:

- a. The determination and/or material findings are clearly erroneous when evaluated in light of the information obtained during the investigation;
- b. A Party presents new information not reasonably available at the time of the investigation and material to the findings or determination;
- c. Procedural error(s) that materially impacted the investigators' decision;
- d. There is evidence of bias on the part of the investigation or decision-making process impacting the outcome.

The appeal process is not a re-investigation of the underlying Complaint.

Appeals must be in writing, identify the ground(s) for the appeal, and be submitted to the DHR or Title IX Coordinator in writing within three (3) business days of receiving the determination. Submissions to the DHR or Title IX Coordinator must be made electronically via e-mail. The DHR or Title IX Coordinator will send the appeal to the Appeals Officer who will determine whether the appeal meets any of the above criteria and, if so, the outcome of the appeal.

8.3 Appeals Officer

Appeals for cases under this Policy will be heard by an Appeals Officer who has not participated in the proceedings prior, has no conflict of interest or bias, and who is properly trained. At the College's discretion, a third-party Appeals Officer may be used.

8.4 Appeal Procedures

If an appeal is submitted, Covenant College will:

- (1) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
- (2) Ensure that the Appeals Officer is not the same person as the DHR or Title IX Coordinator who reached the determination regarding responsibility or dismissal.
- (3) Provide the non-appealing party with five (5) Business Days from receipt of the notification of appeal to submit a written statement in support of the outcome of the determination or dismissal.
- (4) Issue a written decision describing the result of the appeal and the rationale for the result which can be one of the following:
 - Affirm the initial determination regarding the Respondent's responsibility and affirm the disciplinary sanctions and remedies, if applicable;
 - Affirm the initial determination regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable;

- Remand the process back to the hearing stage for the DHR or Title IX Coordinator to remedy any procedural irregularity or consider any new evidence;
- Reverse the initial determination of the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable; or
- Affirm or amend the sanctions and/or remedies outlined in the determination issued under this Policy.

(5) Provide the written decision simultaneously to both parties.

7.3 Appeal Timeframe: The Appeals Officer will release the written decision within twenty (20) Business Days of receiving the appeal. After the determination is reviewed and the decision of the Appeals Officer is disclosed to both parties, the matter is considered resolved.