

Interim Draft¹: Civil Rights Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Related Retaliation

Purpose

Carlow University (“Carlow” or the “University”) has adopted this “Civil Rights Policy Prohibiting Discrimination, Harassment (including Sexual Misconduct), and Related Retaliation” (the “Policy”) in order to advance its goal of maintaining an environment free of Discrimination, Harassment, including Sexual Misconduct, and related Retaliation.

Carlow adheres to all federal and state civil rights laws. This Policy is intended to satisfy Carlow’s commitments under laws including, but not limited to, Title VII of the Civil Rights Act of 1964, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 (“Title IX”), Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Age Discrimination in Employment Act of 1967 and Age Discrimination Act of 1975, the Pennsylvania Human Relations Act, the Pennsylvania Fair Educational Opportunities Act, and Chapter 659 of the Pittsburgh Code of Ordinances (collectively, “civil rights laws”).

Carlow encourages individuals who have been affected by Discrimination, Harassment (including Sexual Misconduct), and/or Retaliation to promptly make a Report to Carlow using any of the reporting options described in this Policy. Carlow will respond promptly and equitably to all Reports of Discrimination, Harassment, and/or Retaliation, and will take appropriate steps to eliminate the behavior, prevent its recurrence, and address its effects.

Scope

¹ This document represents an interim draft of the policy and associated procedures. It is being circulated for reference and initial implementation purposes only. This draft has not yet been submitted to or approved through the university's standard governance review process. Prior to final adoption, this policy will be reviewed and finalized in accordance with established governance procedures, with final approval anticipated before the end of the Fall 2026 semester. Content is subject to change based on feedback received through that process.

The behavioral expectations of this Policy apply to all Carlow Students, employees (both faculty and staff, and including employees working pursuant to Collective Bargaining Agreements),² trustees, officers, applicants for admission or employment, volunteers, independent contractors, and other individuals participating or attempting to participate in Carlow's Education Program or Activity. This Policy may be used to address any alleged Prohibited Conduct that impacts the Carlow community and/or the University's Education Program or Activity wherever the alleged Prohibited Conduct occurs, including on-campus, off-campus, and online.

Effective Date & Revision

This Interim Draft Policy became effective on September 3, 2026. Carlow has revised its policies pertaining to Discrimination, Harassment, Sexual Misconduct, and related Retaliation on several occasions and may undertake further revisions at any time. Final decisions regarding which policy and procedures will apply in any specific case are within the sole discretion of the University, in accordance with applicable law and/or regulation, and are not appealable.

This Policy is intended to set out Carlow's framework for compliance with civil rights laws while giving effect to the University's values and imperatives. If an issue arises which is not explicitly addressed by the Policy as written, Carlow reserves the right to reasonably interpret the Policy in the interests of a compliant and appropriate resolution. If governing laws or regulations change, or court decisions alter, Carlow's legal obligations in a way that impacts this Policy, this Policy will be construed to comply with the most recent governing laws or regulations or court holdings.

Notice of Non-Discrimination; Role of the Civil Rights Coordinators

Notice of Non-Discrimination

Carlow does not Discriminate, nor does it permit Discrimination, including Harassment and/or Retaliation, on the basis of race; color; national origin; religion; ancestry;³ sex; sexual orientation; gender identity; gender expression; Pregnancy or Related Conditions; handicap or disability; age; place of birth; veteran status; genetic information; status as a victim of domestic violence; hair texture or hair style, including protective and/or cultural hair style; or any other protected category under applicable local, state, or federal law ("Protected Classes") in its Education Program or Activity, including with respect to

² This applies to Collective Bargaining Agreements as in effect at the time this Policy was enacted (e.g., SPEPA and SEIU), as well as those enacted and/or amended after the effective date of this Policy.

³ Discrimination or harassment based on actual or perceived (i) shared ancestry or ethnic characteristics or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity is prohibited. This could include conduct such as use of ethnic or ancestral slurs; harassment for how a person looks, dresses, or speaks in ways linked to ethnicity or ancestry (e.g. skin color, religious attire, language spoken, tribe, caste, ethnoreligious identity, or any other physical, cultural, linguistic or social characteristics of a group from which a person descends); or stereotypes based on perceived shared ancestral or ethnic characteristics. Hindu, Jewish, Muslim, and Sikh individuals are examples of individuals who may experience discrimination or harassment based on shared ancestry or ethnic characteristics.

applications for enrollment and/or employment. Carlow has adopted Grievance Procedures, set forward in this Policy, which provide for the prompt and equitable resolution of Complaints alleging any action which would be prohibited by this Policy. All Complaints brought under this Policy will be addressed promptly and equitably pursuant to the procedures provided for herein.

Role of the Civil Rights Coordinators

Carlow has appointed two Civil Rights Coordinators⁴ to coordinate its compliance with civil rights laws. Although there may be overlap between the roles, and/or one Civil Rights Coordinator may cover for the other, in general, the roles and responsibilities of each Civil Rights Coordinator is described below:

- The **TITLE IX COORDINATOR** responds to all Reports and Complaints of Sexual Misconduct, and of Discrimination and Harassment based on sex, sexual orientation, gender identity, gender expression, and Pregnancy or Related Conditions, as well as related Retaliation.
- The **TITLE VI & CIVIL RIGHTS COORDINATOR** responds to all Reports and Complaints of Discrimination and Harassment based on other Protected Classes, including but not limited to, Race, Religion, and National Origin, as well as related Retaliation.

The responsibilities of the Civil Rights Coordinators include:

- Taking prompt and effective steps to ensure that Discrimination does not continue or recur, and to remedy its effects;
- When notified of conduct that reasonably may constitute Discrimination,
 - Treating Complainants and Respondents equitably;
 - Offering and coordinating Supportive Measures for the Complainant and, if Informal Resolution Process or Grievance Procedures are pending, the Respondent;
 - Notifying Complainants or, if different, individuals making Reports, of the Informal Resolution Process and Grievance Procedures, as available and appropriate;
 - Notifying the Respondent of the Informal Resolution Process and Grievance Procedures, as available and appropriate, if a Complaint is made;
 - In the event of a Complaint, initiating the Grievance Procedures or, if available and appropriate and requested by all Parties, the Informal Resolution Process; and

⁴ In this Policy, when the term “Civil Rights Coordinator” or “Civil Rights Coordinators” are used, the reference should be understood to include any and all responsibilities of the Title IX Coordinator or the Title VI & Civil Rights Coordinator, as applicable based on the nature of the Prohibited Conduct at issue, well as any of the relevant coordinator’s designees. Consistent with prior University practice, Carlow’s Chief Human Resources Officer (or designee) will manage Reports and Complaints in which no students are involved, as well as concerns involving Civil Rights Coordinators and/or grievance process facilitators.

- In the absence of a Complaint made by a Complainant, or in the event of the withdrawal of any or all of the allegations in a Complaint, determining whether to initiate a Complaint; and
- The Title IX Coordinator will facilitate the provision of a non-discriminatory environment and equal access to individuals experiencing Pregnancy or Related Conditions.

Reporting Prohibited Conduct to the Civil Rights Coordinators

The Civil Rights Coordinators are available to receive Reports or Complaints about conduct that may constitute Discrimination, Harassment, or related Retaliation. The Civil Rights Coordinators are also available to meet with any individual, including a Complainant, a Respondent, or a third party, to provide information, on- and off-campus resources, and various procedural options. The Civil Rights Coordinators can be reached, and Reports and Complaints can be made, as follows:

**Carissa Monaco
Title IX Coordinator**

University Commons 411-E
3333 Fifth Avenue, Pittsburgh, PA, 15213
(412) 578-6050

cmmonaco@carlow.edu

(Concerns about Sexual Misconduct, Sexual Harassment, Sex-Based Discrimination and other Title IX Related Concerns)

**Dr. Maleea Johnson
Title VI & Civil Rights Coordinator**

University Commons 219D
3333 Fifth Avenue, Pittsburgh, PA, 15213
(412) 578-6227

mdjohnson4833@carlow.edu

(Concerns about other types of Identity-Based Discrimination and Harassment, including but not limited to Race, National Origin, Religion)

**Mary Anne Koleny, EdD., SHRM-SCP
Chief Human Resources Officer**

West Wing Room 201
3333 Fifth Avenue, Pittsburgh, PA, 15213
(412) 578-6015

mskoleny@carlow.edu

(Concerns related to Civil Rights Coordinators/Grievance Process Facilitators, and/or non-student related concerns)

Reports and Complaints can also be submitted through Carlow's [online form](#), which may be completed anonymously.

Outside of regular business hours, Reports and Complaints can be submitted through Carlow University Police Department, as follows:

Carlow University Police Department
Frances Warde Hall, Security Center, 3rd Floor
3333 Fifth Avenue, Pittsburgh, PA, 15213
(412) 578-6007(on-campus emergencies)
(412) 578-6005 Phone (non-emergency)
carlowpolice@carlow.edu

IN THE EVENT OF EMERGENCY SITUATIONS AND MATTERS REQUIRING IMMEDIATE LAW ENFORCEMENT ASSISTANCE, PLEASE CONTACT 911.

Internal Inquiries

Inquiries about the application of civil rights laws to Carlow or questions regarding this Policy may be directed to the Civil Rights Coordinators.

Academic Freedom Statement

Carlow recognizes the critical importance of academic freedom at institutions of higher education. Nothing in this Policy will be construed to negate any rights afforded by the University's academic freedom policies, including those contained in the Student Handbook and Faculty Handbook ("Academic Freedom," "Freedom of Expression and Open Inquiry Statement," and "Freedom of Speech Policy").

Privacy and Confidentiality

Privacy

Although often conflated, privacy and confidentiality are distinct terms with distinct meanings. Privacy refers to Carlow's commitment to sharing information related to any Report, Complaint, Supportive Measures, Informal Resolution Process, or Grievance Procedures under this Policy only:

- To a person with a legal right to receive disclosures of information, or with prior written consent;
- When necessary to effectuate this Policy, or to otherwise address conduct which may reasonably may constitute Discrimination, Harassment, or Retaliation;
- As required by Federal law or regulation, including by the terms and conditions of a Federal award (e.g., a grant award or other funding agreement); and/or
- When required or permitted by State or local law or the Family Educational Rights and Privacy Act ("FERPA").

Carlow provides instruction to personnel regarding the safeguarding of private information, instructs Parties and witnesses about the University's privacy-related

expectations, and will take other reasonable steps to prevent and address the Parties' and, if applicable, their Advisors', unauthorized disclosure of information and evidence obtained solely through the Grievance Procedures (see "Privacy of Documents," below).

In any Grievance Process, other than as provided for herein (for example, with respect to the privacy of documents, and with respect to Carlow's prohibition on Retaliation), Carlow will not restrict the ability of either Party to discuss the allegations prompting a Report or Complaint, including for the purposes of obtaining and presenting evidence (such as by speaking to witnesses), consulting with family members, confidential resources, or advisors, or otherwise preparing for or participating in the Grievance Procedures.

Privacy of Documents

In order to preserve the privacy of the Parties and witnesses, documents prepared in connection with an investigation and adjudication (including, but not limited to, Complaints; Notices of Allegation; draft and final interview summaries; draft and final descriptions of evidence and/or investigative reports; notices of hearing; notices of outcome; notices of Disciplinary Sanctions and/or Remedies; and any appeals-related documents), as well as audio and/or audiovisual recordings or transcripts thereof made of any proceedings under this Policy, may not be disclosed by Parties or others acting on their behalf other than as provided for herein, and as may be required or authorized by law. Any violation of this provision may result in discipline.

Confidential Employees

Confidential communications are those exchanged with individuals belonging to certain professions (such as healthcare providers, professional counselors, or pastoral counselors) which require maintaining the confidentiality of communications disclosed to the individual in the context of providing professional services. Such individuals cannot disclose the content of those communications, or records of same, to any third party without the disclosing individual's prior written consent, or if permitted or required by law or relevant professional ethical obligations (such as "duty to warn"). These communications are privileged under Federal or State law.

Employees of Carlow who serve in such roles ("Confidential Employees") include practitioners in Health and Wellness Center:

[Health and Wellness Center](#)
University Commons, 2nd Floor
Phone: 412-578-6474
Email: hcs@carlow.edu

Confidential Employees are not required to notify the Civil Rights Coordinators when a person informs them of conduct that may constitute Prohibited Conduct, if that information is provided while the Confidential Employee is functioning within the scope of their duties to which confidentiality applies.

Also included in the category of Confidential Employees are individuals who conduct human subjects-research studies that have been approved by the Institutional Review Board (“IRB”) and which are designed to gather information about Discrimination, with respect to information disclosed in the course of conducting the approved study.

Finally, Carlow has also identified some Confidential Employees whose roles are not by nature confidential, but who Carlow has determined are not required to notify the Civil Rights Coordinators when a person informs them of conduct that may constitute Prohibited Conduct, including. This category includes:

Assistant to the President for Mercy Heritage
Phone: (412) 578.6424
Email: sacarney@carlow.edu

Dr. Jenna Bosi
Director of Project SAFE
Frances Ward Hall Room 414
safe@carlow.edu or jmbosi@carlow.edu

Mandatory Reporting

Any Carlow employee who is not a Confidential Employee is a Mandatory Reporter and must notify the Civil Rights Coordinator upon receipt of information about conduct that may constitute Prohibited Conduct.

With respect to Student Employees, whether the individual is a Mandatory Reporter depends on the context in which the person learns of the alleged Prohibited Conduct, and the scope of the person’s duties. Mandatory Reporter responsibilities are triggered if the Student Employee (a) occupies a role which involves leadership or supervision of other Carlow Students **and** (b) learned of the alleged Prohibited Conduct in the context of that role. Mandatory Reporter responsibilities are not triggered if the Student Employee learned of the alleged Prohibited Conduct in the context of their receipt of an education as a student at Carlow, or if the scope of their employment does not include leadership or supervision of other Carlow Students.

A Mandatory Reporter need not have learned of the reportable information from the individual allegedly affected by Prohibited Conduct for it to be reportable. A Mandatory Reporter must report information they have received regardless of the manner of receipt, including through a third party. Mandatory Reporters are *not* permitted to make anonymous Reports in order to satisfy their obligations as a Mandatory Reporter. Mandatory Reporters must promptly report all known information. It is recommended that Mandatory Reporters be clear about their obligations before an individual discloses sensitive information.

Any questions regarding Mandatory Reporting responsibilities under this Policy should be directed to the Civil Rights Coordinators. Failure to report information as required herein is a violation of University policy and may result in disciplinary action.

Disclosures at Public Awareness Events

Disclosures at public awareness events such as “Take Back the Night” held on campus or on an online platform sponsored by Carlow will not prompt the Civil Rights Coordinators to take responsive action with respect to revelations of Prohibited Conduct unless the information reveals an immediate and serious threat to the health or safety of a Complainant, any Students, employees, or other persons, or unless the individual affected by the alleged Prohibited Conduct clearly indicates that they desire responsive action be taken. Carlow will still use the information disclosed to inform its education and prevention efforts.

Mandatory Reporting of Known or Suspected Child Abuse

Nothing in this Policy affects an individual’s obligations to report known or suspected child abuse.

Anonymous Reporting

Any individual may make an anonymous Report. This means that they may report an incident without disclosing their name, for example, or withholding certain details, including, but not limited to, the identity of the Respondent. However, depending on the information available about a reported incident, the University’s ability to respond may be limited. This includes, but is not limited to, the likelihood that Carlow will not be able to pursue Grievance Procedures against the individual alleged to have engaged in Prohibited Conduct, as typically the identity of the Complainant must be disclosed to the Respondent. When a known Complainant wishes to remain anonymous, Carlow will seek to respect the request of the Complainant, and where it cannot do so, will explain why.

Time Frame for Making a Report

There is no time limit on making a Report, but individuals are strongly encouraged to report incidents of alleged Prohibited Conduct as soon as possible. This will enhance the University’s ability to address the conduct at issue, including by extending Supportive Measures, and, if applicable, by conducting an investigation effectively, when Relevant evidence and witnesses are most available.

Amnesty for Students Who Report Prohibited Conduct

Individuals who were drinking alcohol or using drugs at the time an incident of alleged Prohibited Conduct occurs may be hesitant to make a Report or Complaint, or participate as a Party or witness in an investigation due to concerns about being charged with

disciplinary violations. In order to address these concerns, and encourage the prompt reporting of information related to known or suspected Prohibited Conduct, Carlow will generally not pursue disciplinary action for alcohol or drug offenses when information involving alcohol or drug use is revealed as part of a Report or Complaint, or an investigation. However, Carlow may require individuals to participate in educational interventions related to drugs and alcohol.

Presumption of Non-Responsibility and Good Faith Reporting

Presumption of Non-Responsibility

A Respondent is presumed to be not responsible for alleged Prohibited Conduct unless and until the Respondent is determined to be responsible for a violation of this Policy at the conclusion of the Grievance Procedures.

False Allegations and Statements

A determination that a Respondent was not responsible for a Policy violation does not, without more, establish that the Complainant or any other Party or witness has made a false allegation or statement in bad faith.

Deliberately false allegations and statements are, however, a violation of Carlow policy and individuals, including witnesses, who knowingly make false allegations, provide false statements or evidence, tamper with or destroy evidence they were instructed to preserve, or commit similar acts of dishonesty may be subject to disciplinary action.

For

On- and Off- Campus Resources

On Campus:

- [Health and Wellness Center](#)
University Commons, 2nd Floor
Phone: 412-578-6474
Email: hcs@carlow.edu

Off Campus:

- [Allegheny County Family Court](#)
440 Ross Street, Suite 301
Pittsburgh, PA 15219
Phone: 412.350.4441
Intake Hours: 8:00 a.m. – 11:00 a.m.
Protection from Abuse (“PFA”) Orders can be obtained at the Family Division in Downtown Pittsburgh. Court information can be found at:
- [Center for Victims](#)

3433 East Carson Street
Pittsburgh, PA 15203
Crisis Hotline: 1.866.644.2882
Email: information@centerforvictims.org
Provides services, advocacy, and education for victims of all crime in the Commonwealth of Pennsylvania.

- [Pittsburgh Action Against Rape \(PAAR\)](#)
81 South 19th Street
Pittsburgh, PA 15203
Phone: 412.431.5665
24-hour phone hotline: 1.866.363.7273*
*Text available 10am-5pm Mon-Fri
Provides prevention and education services, counseling, and support through medical, legal, and Title IX processes.
- [Persad Center](#)
5301 Butler Street, Suite 100
Pittsburgh, PA 15201
Phone: 412.441.9786
Email: info@persadceter.org
Provides outreach, counseling, advocacy, and training services to support to improve the well-being of the LGBTQ+ communities.
- [Rape, Abuse, and Incest National Network \(RAINN\)](#)
National Sexual Assault Hotline: 1.800.656.4673
RAINN is the largest anti-sexual assault organization in the country. They provide access to a wide variety of support and educational services to survivors of sexual misconduct and those who support them.
- [Resolve crisis services](#)
333 North Braddock Ave
Pittsburgh, PA 15208
24 hour phone hotline: 1.888.796.8226
24-hour, 365-day crisis service available to all Allegheny County residents.
- [Women's Center and Shelter of Greater Pittsburgh](#)
P.O. Box 9024
Pittsburgh, PA 15224
24-hour hotline: (412) 687-8005 (call)
Text Hotline: 412.744.8455 (limited hours)
Provides safety, shelter, support and guidance for survivors of domestic violence. Emergency shelter, assistance obtaining protection orders, counseling, group work, outreach, and education services.
- [UPMC Magee-Womens Hospital](#)

300 Halket Street
Pittsburgh, PA 15213
Phone: 1.866.490.5241

Sexual Assault Nurse Examiners (SANE) / Forensic Nurses available 24 hours a day, seven days a week.

- [UPMC Mercy](#)
1400 Locust Street
Pittsburgh, PA 51219
Phone: 412.593.5972
Sexual Assault Nurse Examiners (SANE) / Forensic Nurses available 24 hours a day, seven days a week.

Coordination Across Systems: Medical Treatment and Law Enforcement

Complainants who wish to seek medical care and/or report to law enforcement are encouraged to do so.

Seeking Medical Treatment; Preservation of Evidence

Medical care may address physical and mental health concerns, including, where applicable, those related to pregnancy and/or sexual transmitted infections. Medical providers may also be able to assist in the collection and preservation of evidence. The ability to collect and preserve evidence of Sexual Assault is limited in time (typically to a window of 72 hours), so it is essential that care be sought as soon as possible. Individuals should avoid showering/bathing, douching, and, if possible, urinating. In the event of oral sexual contact, individuals should avoid eating, drinking, or brushing teeth. Any soiled clothes, towels, or bedding should be retained in paper bags. Preserving physical evidence in this manner may facilitate a criminal investigation, but seeking medical treatment does not obligate an individual to pursue a criminal complaint.

Reporting to Law Enforcement and Pursuing a Criminal Complaint

Making a report to law enforcement does not generally obligate an individual to pursue a criminal complaint, or to participate in the Carlow disciplinary process. An individual may choose to participate in the Carlow disciplinary process, an external criminal process, both, or neither. In the event that both criminal and disciplinary processes are at issue, Carlow may comply with law enforcement requests for temporary delays in the disciplinary process in order to permit law enforcement to gather evidence for a criminal investigation.

Carlow's Response to Reports

Carlow will review and respond to all Reports of Prohibited Conduct. Upon receiving a Report, the Civil Rights Coordinator will promptly contact the Complainant to provide information, advise them of the availability of Supportive Measures and on- and off-campus resources, and discuss the procedural options available to the Complainant under this Policy, including the Informal Resolution Process and pursuing Grievance Procedures. Carlow will also assess whether there are any immediate threats to health or safety that must be addressed.

Importantly, if the alleged conduct, if established, would not constitute a violation of this Policy, the applicable Civil Rights Coordinator will inform the Complainant of any other resources and options available, which may include referring the matter for action under a separate policy. Similarly, in cases in which the Respondent is not an Carlow affiliate and the Grievance Procedures would not be available to the Complainant, the Civil Rights Coordinator will offer Supportive Measures and take other action as appropriate, if any, to address the behavior at issue.

At all times, Carlow will treat Complainants and Respondents equitably.

Complaints Involving Responsive Personnel

In the event of concerns pertaining to the conduct of a Civil Rights Coordinator or other individuals involved in the Carlow response to Prohibited Conduct, Reports and/or Complaints may be directed to:

Mary Anne Koleny, EdD., SHRM-SCP
Chief Human Resources Officer
Carlow University
West Wing Room 201
3333 Fifth Avenue, Pittsburgh, PA, 15213
(412) 578-6015
mskoleny@carlow.edu

Challenges to Responding Personnel for Bias or Conflict of Interest

If a Party has concerns about bias in favor of or against a specific Complainant or Respondent, bias in favor of or against Complainants or Respondents generally, or a potential conflict of interest which involves a facilitator of an Informal Resolution Process, investigator, decisionmaker, or appeals decisionmaker, the Party should direct those concerns to the applicable Civil Rights Coordinator. If those concerns involve a Civil Rights Coordinator, the Party should direct those concerns to:

Mary Anne Koleny, EdD., SHRM-SCP
Chief Human Resources Officer
Carlow University
West Wing Room 201

3333 Fifth Avenue, Pittsburgh, PA, 15213
(412) 578-6015
mskoleny@carlow.edu

Consolidation of Complaints

In cases in which allegations of Prohibited Conduct are connected to other alleged misconduct by the Respondent which would ordinarily be addressed by another Carlow policy, Carlow may, in its sole discretion, address all related conduct in a consolidated manner.

Similarly, Carlow may, in its sole discretion, consolidate Complaints of Prohibited Conduct brought against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party (“cross complaints”), where the allegations arise out of the same facts or circumstances.

Supportive Measures

Supportive Measures are non-disciplinary, non-punitive individualized measures offered, as appropriate, as reasonably available, and without fee or charge, to a Complainant or Respondent. Supportive Measures are designed to restore or preserve a Party’s access to the University’s Education Program or Activity, including by protecting the safety of the Party/Parties or the University’s educational environment, and/or by providing support to the Party/Parties during the Informal Resolution Process or Grievance Procedures.

Supportive Measures are available before or after the filing of a Complaint, as well as in cases in which no Complaint is ever filed. Supportive Measures are designed to restore or preserve equal access to the University’s Education Program or Activity without unreasonably burdening either Party. They may, but may not, be modified or terminated at the conclusion of the Grievance Procedures or Informal Resolution Process. Examples of Supportive Measures include, but are not limited to, the following:

- Academic accommodations (such as a change in class schedule, modified deadlines, or a leave of absence);
- Workplace accommodations (such as a change in work location or schedule);
- Housing accommodations (such as a change in residence hall assignment or access to temporary emergency housing);
- Referrals for mental or physical healthcare, spiritual and religious resources, and/or training and education programs on- and off-campus;
- Safety-related resources (such as walking escorts, assigned parking, or increased security and monitoring of certain areas of campus); and/or
- No contact orders or agreements, which may be mutual (affecting both Parties), or non-mutual (affecting only one Party), and which may include restrictions on communication in-person, electronically, and via third parties, as well as restrictions on access to Carlow facilities or activities.

Changes in class, work, housing, extracurricular, and/or other activities may be made regardless of whether there is or is not a comparable alternative.

A Party may seek modification or reversal of decisions to provide, deny, modify, or terminate Supportive Measures applicable to that Party by contacting the appropriate Civil Rights Coordinator.

Confidentiality of Supportive Measures

Information about Supportive Measures provided to a person will not be disclosed, including informing one Party of Supportive Measures provided to another Party, except when necessary to provide the Supportive Measures, or restore or preserve a Party's access to the University's Education Program or Activity.

Accommodations for Individuals with Disabilities

If a Party has a disability as defined by the ADA or Rehabilitation Act, that Party is entitled to reasonable accommodations that would enable them to participate in all processes provided for under this Policy, including, but not limited to, making a Report or Complaint, participating in an Informal Resolution Process, and/or participating in an investigation and adjudication under the Grievance Procedures. If a person with a disability requires such reasonable accommodations, they should promptly notify the applicable Civil Rights Coordinator.

A Party should not assume that the Civil Rights Coordinator is on notice that they have a disability, even if the Party is registered to receive accommodations through another Carlow academic or administrative unit.

Emergency Removal; Administrative Leave

Emergency Removal

A Respondent may be removed from the University's Education Program or Activity, or certain aspects thereof (such as, but not limited to, access to Carlow facilities, housing, classes, and/or student activities), if, after conducting an individualized safety and risk analysis, Carlow determines that an immediate and serious threat to the health or safety of a Complainant, any Carlow Students, employees, or other persons, arising from the alleged Prohibited Conduct, justifies removal. In the event of such a removal, the Respondent is given the opportunity to seek modification or reversal of the removal.

Administrative Leave

With respect to employee Respondents, administrative leave from Carlow employment is permitted during the pendency of Grievance Procedures. Administrative leave may include complete removal from the Carlow workplace or limitations on access to the workplace, and may be imposed with or without pay. In the event administrative leave is

imposed, the Respondent is given the opportunity to seek modification or reversal of the leave.

Advisors

Each Party is entitled to be accompanied by an Advisor of their choosing to any meeting, interview, or proceeding related to a Report or Complaint under this Policy. The Advisor is a non-speaking role present to advise and support the Party and may be, but is not required to be, an attorney.

In the event of a Live Hearing Adjudication Process, the Advisor will have a speaking role, limited to conducting cross-examination on behalf of the Party. Each Party must inform the applicable Civil Rights Coordinator of the identity of their Advisor, or that they do not have an Advisor, as soon as possible, but in no case no less than five (5) Days in advance of the hearing. If a Party does not identify an Advisor who will be present at the hearing to conduct cross-examination, Carlow will select and provide without fee or charge an Advisor to conduct such cross-examination, who may be, but is not required to be, an attorney. In the event that a Party's identified Advisor does not appear at the hearing, an Advisor will be provided as described in the preceding sentence.

Delays will not normally be allowed due to scheduling conflicts with Advisors. If, at any point, an Advisor becomes disruptive or fails to comply with the provisions of this Policy or any additional rules of decorum provided by Carlow, Carlow may remove the Advisor from the meeting, interview, or proceeding, and, if appropriate, any future meetings, interviews, or proceedings. Such a removal of an Advisor is not appealable. If a Party's Advisor is removed, they may choose another Advisor or, if applicable, have one selected and appointed for them, as described in the preceding paragraph.

Informal Resolution Process

For Complaints alleging Title IX Sexual Harassment, an Informal Resolution Process may be offered at any time, after issuance to the Respondent of a Notice of Allegations and before a determination of whether Title IX Sexual Harassment occurred has been made. However, an Informal Resolution Process is not available for Complaints of Title IX Sexual Harassment involving a Student Complainant and employee Respondent.

For Reports or Complaints alleging Prohibited Conduct other than Title IX Sexual Harassment, an Informal Resolution Process may be offered at any time before a determination of whether Prohibited Conduct occurred has been made. This includes upon receipt of a Report, or during the pendency of Grievance Procedures. A Complaint need not be made in order to initiate the Informal Resolution Process in such cases.

Both Parties must agree to participate in the Informal Resolution Process, and Carlow must agree that it is appropriate. As participation is voluntary, Carlow does not require Parties to waive the right to an investigation and adjudication as a condition of (continuing) enrollment or (continuing) employment, or the exercise of any other right. While every

Informal Resolution Process will be tailored to the facts and circumstances of the individual case, in no case will the facilitator of the Informal Resolution Process be the same as the investigator or decisionmaker for Grievance Procedures involving the same matter.

Before initiating an Informal Resolution Process, Carlow will notify the Parties of:

- the allegations;
- the requirements of the Informal Resolution Process;
- that each Party has the right to withdraw their agreement to participate in the Informal Resolution Process prior to agreeing to a resolution, and can at that time initiate or resume the Grievance Procedures, as applicable;
- that agreement to a resolution at the conclusion of the Informal Resolution Process precludes the Parties from initiating or resuming Grievance Procedures arising from the same allegations;
- the potential terms that may be requested or offered in an Informal Resolution Process agreement, including notice that an Informal Resolution Agreement is binding only on the Parties; and
- which records will be maintained as part of the Informal Resolution Process and circumstances under which such records could be shared in the event that the Informal Resolution Process is not completed and Grievance Procedures are initiated or resumed.

Grievance Procedures

Carlow-Initiated Complaints

As noted, in the absence of a Complaint made by a Complainant, or in the event of the withdrawal of any or all of the allegations in a Complaint, the applicable Civil Rights Coordinator will determine whether to initiate a Complaint. Such a determination is fact-specific and will be made in consideration of factors including, but not limited to:

- The Complainant's request not to proceed with initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated;
- The severity of the alleged Prohibited Conduct, including whether, if established, Carlow would require the removal of the Respondent from campus or impose another Disciplinary Sanction to end the Prohibited Conduct and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an employee;
- The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing conduct, or conduct alleged to have impacted multiple individuals;

- The availability of evidence to assist a decisionmaker in determining whether Prohibited Conduct occurred; and
- Whether Carlow could end the alleged Prohibited Conduct and prevent its recurrence without initiating the Grievance Procedures.

After considering these and other relevant factors, the applicable Civil Rights Coordinator may initiate a Complaint.

Dismissal

A Complaint may be dismissed, in whole or in part, if it is determined, at any time, that:

- The Respondent is not, or is no longer, participating in the University's Education Program or Activity and is not, or is no longer, employed by Carlow;
- The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the applicable Civil Rights Coordinator declines to initiate a Complaint, and without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Prohibited Conduct even if established;
- Specific circumstances prevent Carlow from gathering evidence sufficient to reach a determination as to the Complaint or any allegations therein; and/or
- The conduct alleged (after reasonable efforts to clarify have been made, as appropriate), if established, would not constitute Prohibited Conduct.

In cases involving allegations of Title IX Sexual Harassment, if the alleged conduct does not fit the definition of Title IX Sexual Harassment, or the Complainant is not participating, or attempting to participate, in a Carlow Education Program or Activity at the time the Complaint is filed, Carlow will dismiss the Complaint for Title IX purposes and treat the Complaint as one of Non-Title IX Sexual Harassment.

In the event of a dismissal, Supportive Measures may still be provided to the Complainant (and Respondent, if already notified of the Complaint), and the Civil Rights Coordinator may refer the matter to another, appropriate office for review and response. Carlow will provide written notice to the Parties of the dismissal, the basis for the dismissal, and the right to appeal the dismissal.

Withdrawal of Complaint by Complainant

As noted, a Complaint may be dismissed if the Complainant notifies the Civil Rights Coordinator that they would like to withdraw the Complaint. Such notice must be in writing in cases involving allegations of Title IX Sexual Harassment. If a Complainant requests dismissal, they can re-file the Complaint at a later date and request a continuation of the Grievance Procedures or voluntarily agree to an Informal Resolution Process.

The Civil Rights Coordinator will consider requests in light of the factors laid out above relating to Carlow-initiated Complaints. If the Civil Rights Coordinator refuses a request

by a Complainant to dismiss a Complaint, the Civil Rights Coordinator will notify the Complainant in writing of the decision and rationale.

Notice of Allegations

The Grievance Procedures begin with the sending of a Notice of Allegations to the Complainant and Respondent. If the Complaint was signed by the Civil Rights Coordinator, the Complainant will still receive the Notice of Allegations, but is not required to participate in the investigation or related activities. The Notice of Allegations will include:

- information about the Informal Resolution Process and Grievance Procedures;
- the identities of the Parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s), if known;
- information about Carlow's prohibition on Retaliation;
- a statement that the Parties are entitled to an investigative report summarizing all Relevant evidence and, in cases involving Title IX Sexual Harassment, to inspect all directly related evidence;
- a statement that the Respondent is presumed not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of the Grievance Procedures, after the Parties have had an opportunity to present Relevant (not otherwise impermissible) evidence to a trained, impartial decisionmaker;
- notice that knowingly making false statements or submitting false information is prohibited;
- information about Supportive Measures;
- a statement regarding the Standard of Proof to be used in considering the facts and evidence;
- the range of possible Disciplinary Sanctions and Remedies; and
- information about the appeals process.

If, in the course of an investigation, Carlow decides to investigate additional allegations of Prohibited Conduct not included in the original Notice of Allegations about the Respondent's conduct toward the Complainant, or which are otherwise consolidated with the ongoing investigation, Carlow will provide notice of the additional allegations to the Parties whose identities are known. If Carlow has reasonable concerns for the safety of any person as a result of providing this Notice of Allegations, it may reasonably delay in providing it in order to address the safety concern appropriately.

Acceptance of Responsibility

At any time prior to the rendering of a finding as to responsibility by a decisionmaker, the Respondent may indicate that they do not wish to contest the disciplinary case against them and accept responsibility for all or part of the Prohibited Conduct alleged. In the event that a Respondent accepts responsibility, the Complainant will be notified in writing.

The Parties will thereafter be notified simultaneously of the Disciplinary Sanctions imposed and whether Remedies will be provided. This decision may be appealed as to the severity of the sanction imposed only, and is otherwise final. In the event that the Respondent accepts responsibility for only part of the Prohibited Conduct alleged, the remaining allegations will proceed to the decisionmaker for a finding, and Remedies and Disciplinary Sanctions for all the Prohibited Conduct at issue will be assigned at the conclusion of the matter in its entirety.

Investigation

Time Frames

The investigation will be adequate, reliable, and impartial, and will be completed in a reasonably prompt timeframe, typically 60-90 Days. Any timelines provided herein create no rights for the Parties and may be extended or changed by Carlow for good cause shown, in the University's sole discretion. In the event a deadline is extended or changed, both Parties will be notified in writing regarding the reason for and expected duration of, the delay.

Investigation

Carlow will charge a trained investigator – who may be a Civil Rights Coordinator – with the task of gathering facts about the allegations raised in the Complaint, objectively evaluating the Relevance of all evidence, and preparing an investigative report which contains an accurate summary of the Relevant evidence.

The investigator will meet with each Party and Relevant witnesses. Each interview will be recorded by the investigator, with no other recording permitted. The investigator will, prior to any interviews or meetings with the Parties, provide written notice of the date, time, location, and purpose of the interview or meeting, with sufficient time for the Party to prepare for the interview or meeting. Each Party will have the equal opportunity to gather and present Relevant evidence (both inculpatory and exculpatory) and witnesses to the investigator. However, the burden of gathering evidence, and satisfying the Standard of Proof, is on Carlow.

Carlow does not compel Parties or non-employee witnesses to answer questions during the interview or submit documents, although all Parties and witnesses are encouraged to do so. A person's decision not to participate in the investigation, in whole or in part, will be documented in the investigative report. Carlow employees, and others authorized by Carlow to provide aid, benefits, or services as part of the University's Education Program or Activity, are, as noted, expected to attend all scheduled meetings and proceedings and, upon request, participate as a witness or otherwise assist with any investigation or adjudication under this Policy.

An investigative report containing an accurate summary of the Relevant evidence collected during the investigation, will be submitted to both Parties for their review and

response. In cases involving allegations of Title IX Sexual Harassment, the Parties may also review and inspect any evidence collected that is directly related to the allegations raised in the Complaint, even if that evidence does not end up being relied upon by Carlow in determining responsibility.

The Parties will have 10 Days to provide written feedback to the investigator, who will consider such responses before completing a final document.

Adjudication

Upon completion of the investigation, the applicable Civil Rights Coordinator reviews the investigative report and within ten (10) Days determines whether Carlow will proceed to adjudication, or dismiss the Complaint. If the matter is submitted for adjudication, the adjudication process varies based on the type of conduct at issue (i.e., Title IX Sexual Harassment or other forms of Prohibited Conduct).

Matters involving Complaints of Title IX Sexual Harassment are adjudicated through the live hearing adjudication process described below, while Complaints of all other Prohibited Conduct are adjudicated through the non-hearing adjudication process described below.

Non-Hearing Adjudication Process

In this process, the investigator will objectively evaluate all Relevant evidence, both inculpatory and exculpatory, and reach a determination regarding responsibility pursuant to the Standard of Proof. The investigator will assess the credibility of the Parties and witnesses, to the extent credibility is both in dispute and Relevant to evaluating the allegations. Any credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness. The decisionmaker may accomplish this through the investigation process. Or, the decisionmaker may supplement the investigation by holding meetings, in their discretion, with any Party or witness, at which additional questions are posed.

The investigator's determination, with rationale, will be submitted to the appropriate decisionmaker, who is the head of the Respondent's unit (e.g., for Students, the Dean of Students; for faculty, the Provost⁵; and for staff, the Vice President of Human Resources), or that person's designee; designees may be internal or external to the University.

The decisionmaker will prepare a written notice of outcome, with the investigator's determination and rationale, and appeals information, which will be communicated simultaneously to the Parties. This will typically be done within ten (10) Days of the

⁵ Consistent with the Faculty Handbook, Reports and Complaints brought under this Policy are not subject to the Grievance Policy contained in the Faculty Handbook. Determinations of responsibility under this Policy which result in dismissal of a University faculty member are similarly not subject to the process set forth in the Faculty Handbook ("Dismissal for Cause").

completion of the final investigative report or the Parties' responses thereto, if applicable. In the event the Respondent is found responsible for a violation of this Policy, the determination will include the Disciplinary Sanctions imposed and/or whether Remedies will be provided, as appropriate. The decisionmaker may consult with the investigator and/or Civil Rights Coordinator in determining Disciplinary Sanctions and/or Remedies.

Live Hearing Adjudication Process

Scheduling and Preparing for the Hearing

For any adjudication via live hearing, the Parties will be notified in writing of the date, time, and location of the hearing. The hearing may be scheduled, in Carlow's discretion, to take place in-person or via an online platform through which each Party, witness, their Advisors, and the decisionmaker can see and hear each other in real-time. An audio or audiovisual recording, or transcript, of any live hearing will be made; no other recording or transcription is permitted. If the matter involves more than one Respondent, the Civil Rights Coordinator, in their discretion, may permit the hearing concerning each Respondent to be conducted either jointly or separately.

The decisionmaker is the head of the Respondent's unit (*e.g.*, for Students, the Dean of Students; for faculty, the Provost; and for staff, the Vice President of Human Resources), or that person's designee, who may be internal or external to the University.

Non-Appearance of Parties or Witnesses; Refusal to Respond to Questions

If a Party or witness, after being provided notice, does not appear at the hearing, the hearing will take place in their absence. In such a case, or in the event that a Party or witness appears at the hearing but refuses to answer questions, the decisionmaker will make a determination using the evidence available. The decisionmaker 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 otherwise impermissible). The decisionmaker must not draw an inference about whether Prohibited Conduct occurred based solely on a Party's or witness's refusal to respond to questions.

Conduct at the Hearing

Carlow expects all Parties, witnesses, and Advisors to refrain from abusive or disruptive behavior, and will provide notice of any additional rules of decorum, which will be applied equally to the Parties. Inappropriate behavior may result in a suspension of the hearing until the abusive or disruptive behavior has been addressed and, as noted, may involve the exclusion and replacement of an Advisor.

At the live hearing, the decisionmaker will question Parties and witnesses to adequately assess a Party's or witness's credibility, to the extent credibility is both in dispute and Relevant to evaluating the allegations. Any credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness. The decisionmaker will

accomplish this by asking the Parties and witnesses Relevant (not otherwise impermissible questions) and follow-up questions, including questions challenging credibility. The Parties may ask the questions directly, through their Advisors, though they are not permitted to ask questions directly of the Parties or witnesses. If a Party does not have an Advisor to ask questions on their behalf, Carlow will provide the Party with an Advisor of Carlow's choice – who may, but need not be, an attorney, without charge, for the purpose of Advisor-conducted questioning.

The decisionmaker will determine whether a proposed question is Relevant (and not otherwise impermissible) before it is answered, and will explain any decision to exclude a question as not Relevant or as otherwise impermissible. All Relevant (not otherwise impermissible) questions will be asked. Questions that are unclear or harassing of the Party or witness being questioned may be excluded, but prior to doing so, the decisionmaker will give the Party posing the question the opportunity to clarify or revise the question.

Rules of evidence, such as those applied in criminal or civil court, are not applicable to hearings conducted under this Policy. Evidence not previously provided in advance of the hearing may be accepted for consideration in the discretion of the decisionmaker.

Decisionmaking

The decisionmaker will objectively evaluate all Relevant evidence, both inculpatory and exculpatory, and reach a determination regarding responsibility pursuant to the Standard of Proof. The decisionmaker will prepare a written decision, which will be communicated simultaneously to the Parties within ten (10) Days of the hearing, including:

- a description of the alleged Prohibited Conduct;
- a description of the procedural steps taken from the receipt of the Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- findings of fact supporting the determination;
- conclusions regarding the application of the Policy to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility; and
- the procedures and permissible bases for the Parties to appeal.

In the event the Respondent is found responsible for a violation of this Policy, the determination will include the Disciplinary Sanctions imposed and/or whether Remedies will be provided, as appropriate. The decisionmaker may consult with the investigator, Civil Rights Coordinator, and/or the head of the Respondent's unit, if applicable, in determining Disciplinary Sanctions and/or Remedies.

Disciplinary Sanctions; Remedies

Disciplinary Sanctions are designed to stop the misconduct, prevent its recurrence, and remedy its effects, and will consider factors including the nature and gravity of the misconduct, and any record of prior misconduct, if applicable. Disciplinary Sanctions may include, but are not limited to:

For Students

- *Reprimand*: A formal statement that the conduct was unacceptable and a warning that further violation of any Carlow policy, procedure, or directive will result in more severe Sanctions.
- *Required Counseling*: A mandate to meet with and engage in either Carlow-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Restrictions*: A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or from holding leadership in student organizations.
- *Probation*: Provides for more severe Sanctions in the event that the student is found in violation of any policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Separation from the institution, or one or more of its facilities, for a definite period of time, typically not to exceed two years, after which the Student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension, on successfully applying for readmission, or upon a general condition that the Student is eligible to return if Carlow determines it is appropriate to re-enroll/readmit the Student. The student is banned from University property, functions, events, and activities unless they receive prior written approval from an appropriate official.
- *Expulsion*: Permanent separation from the institution. The Student is banned from institutional property, and the student's presence at any institution-sponsored activity or event is prohibited.
- *Withholding Diploma*: Carlow may withhold a diploma for a specified period of time and/or deny a Student participation in commencement.
- *Revocation of Degree*: Carlow reserves the right to revoke a degree previously awarded by the University for fraud, misrepresentation, and/or other violation of Carlow policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Other Actions*: Carlow may assign any other Sanctions as deemed appropriate.

For Employees

- *Verbal or Written Warning*
- *Performance Improvement Plan/Management Process*
- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*

- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Shift or schedule adjustments*
- *Reassignment*
- *Delay of (or referral for delay of) Tenure Track Progress*
- *Assignment to New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension/Administrative Leave with Pay*
- *Suspension/Administrative Leave without Pay*
- *Termination*
- *Other Actions:* Carlow may assign any other Sanctions as deemed appropriate.

Factors considered when determining Disciplinary Sanctions may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s);
- The Respondent's disciplinary history;
- The need for Disciplinary Sanctions to bring an end to the Prohibited Conduct, prevent recurrence, and/or remedy the effects on the Complainant and the community;
- The impact on the Parties; and
- Any other relevant information.

Carlow may continue Supportive Measures, and may also provide Remedies to the Complainant or others, in the event their equal access to the University's Education Program and/or Activity was determined to have been limited or denied by Prohibited Conduct. Remedies are designed to restore or preserve that person's access and may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

The determination regarding responsibility becomes final either on the date that Carlow provides the Parties with the written determination of the results of any appeals, or, if no appeal filed, the date on which an appeal would no longer be considered timely. Any Disciplinary Sanctions and/or Remedies will be implemented at this time.

Appeals

Dismissals and determinations regarding responsibility can be appealed based on one or more of the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the dismissal or the determination regarding responsibility that could affect the outcome of the matter;
- The Civil Rights Coordinator, investigator(s), or decisionmaker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or an individual Party in particular, and that bias affected the outcome of the matter; and/or
- The severity of the Disciplinary Sanction(s) imposed was disproportionate to the nature of the conduct at issue.

Appeals must be submitted in writing to the applicable Civil Rights Coordinator within five (5) Days of the date of the written outcome determination or dismissal. The Civil Rights Coordinator shall immediately provide notice of any appeal(s) to the other Party, who has five (5) Days to submit a written response, limited to the grounds alleged in the appeal. The Civil Rights Coordinator will then submit the appeal and response, if any, to the appeals decisionmaker, who shall not be the same individual who, as applicable, conducted the investigation, issued the dismissal, and/or made the finding of responsibility.

The appeals decisionmaker's review will be based only on the written record, as well as any recordings or transcripts. Any alleged new evidence related to the grounds for the appeal should be appended to the appeal. The appeal is not an opportunity for a re-investigation or re-hearing. The decisionmaker will submit a final written decision on the appeal, including a rationale, within ten (10) Days of receipt of the appeals materials, which will be simultaneously distributed to the Parties.

For an appeal related to the dismissal of a Complaint, the decisionmaker will decide whether to approve or reject the decision and, if rejected, return the Complaint to the Civil Rights Coordinator for further process. For an appeal of a finding of responsibility, the decisionmaker will decide whether to approve, reject, or modify the decision and/or Disciplinary Sanctions and/or Remedies, and may remand the case for further proceedings consistent with the appeals decision. The appeals decisionmaker's decision is final.

Recordkeeping

There is a seven year retention period for records of:

- Any Informal Resolution Processes and the results thereof, any investigations, any determinations regarding responsibility (including any appeals and the results thereof), any audio or audiovisual recording or transcript required by law to be created, any Disciplinary Sanctions imposed on the Respondent, and any Remedies provided to restore or preserve equal access to the Education Program or Activity;
- All materials used to train Civil Rights Coordinators, investigators, decisionmakers, and any person who facilitates an Informal Resolution Process; and
- Records of any other actions, including any Supportive Measures provided, taken in response to a Report or Complaint of Prohibited Conduct.

Version History

The Policy was adopted and posted as an Interim Draft Policy on August 31, 2026, subject to review, approval and finalization (including changes to content) through the University's governance procedures.

As of the effective date of September 2, 2026, this Interim Draft Policy is designed and intended to replace prior University Policies, including but not limited to:

- Equal Opportunity, Harassment, and Non-Discrimination Policy;
- Sexual Harassment, Discrimination, and Sexual Misconduct Policy and Process; and
- Grievance Resolution Process Sex/Gender Harassment, Discrimination and Sexual Misconduct.

Conduct that occurred prior to the effective date of the Interim Draft Policy will typically be investigated and adjudicated subject to the relevant Policies and Procedures in effect at the time the alleged conduct occurred.

APPENDIX 1: DEFINITIONS

Definitions of Prohibited Conduct

The following behaviors constitute Prohibited Conduct under this Policy.

Discrimination

Discrimination is subjecting an individual or group to adverse action – including differential treatment – on the basis of actual or perceived membership in a Protected Class.

Harassment

Harassment is unwelcome conduct (including oral, written, electronic, graphic, or physical conduct) on the basis of actual or perceived membership in a Protected Class that is sufficiently severe or pervasive that it limits or denies the ability of an individual to participate in or benefit from Carlow's Education Program or Activity by creating a Hostile Environment. This will be evaluated based on the totality of the circumstances and evaluated subjectively and objectively. Sexual Harassment is a form of Harassment, but separately defined under this Policy.

Determining whether conduct has created a Hostile Environment is a fact-specific inquiry which may include many factors such as, but not limited to: the degree to which the conduct affected the Complainant's ability to access the University's Education Program or Activity; the type, frequency, and duration of the conduct; the Parties' ages, roles, previous interactions, and other factors about each Party that may be Relevant to evaluating the effects of the alleged unwelcome conduct; the location and context in which the conduct occurred; and other similar conduct in the University's Education Program or Activity.

Sexual Misconduct

Sexual Misconduct is an umbrella term encompassing both Title IX Sexual Harassment and Non-Title IX Sexual Harassment.

Title IX Sexual Harassment

Title IX Sexual Harassment involves allegations of Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment I, Sexual Assault, Dating Violence, Domestic Violence, and/or Stalking which is alleged to have occurred in an Carlow Education Program or Activity, and is alleged to have been perpetrated against a person in the United States.

Non-Title IX Sexual Harassment

Non-Title IX Sexual Harassment involves allegations of Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment I or II, Sexual Assault, Dating Violence, Domestic Violence, and/or Stalking which is not alleged to have occurred in an Carlow Education Program or Activity, and/or

is not alleged to have been perpetrated against a person in the United States. Non-Title IX Sexual Harassment also includes Sexual Exploitation.

Conduct which could constitute Title IX Sexual Harassment may be pursued as Non-Title IX Sexual Harassment if the Complainant is not participating or attempting to participate in an Carlow Education Program or Activity at the time the Complaint is made.

Quid Pro Quo Sexual Harassment

An employee, agent, or other person authorized by Carlow to provide an aid, benefit, or service under the University's Education Program or Activity explicitly or implicitly conditions the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct. It does not matter whether or not the person submits.

Hostile Environment Sexual Harassment I

Unwelcome sexual conduct (including oral, written, electronic, graphic, or physical conduct) that is sufficiently severe, pervasive, and objectively offensive that it effectively denies the ability of an individual to participate in or benefit from a Carlow Education Program or Activity.

Hostile Environment Sexual Harassment II

Unwelcome sexual conduct (including oral, written, electronic, graphic, or physical conduct) that is sufficiently severe or pervasive that it limits or denies the ability of an individual to participate in or benefit from Carlow's Education Program or Activity by creating a Hostile Environment, as defined above ("Harassment").

Sexual Assault

A forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which includes the following acts (and attempting the following acts):

Rape

The carnal knowledge of a person without that person's consent, including instances where the person is incapable of giving consent because of their age or temporary or permanent mental or physical incapacity.

Sodomy

Oral or anal sexual intercourse with another person without that person's consent, including instances where the person is incapable of giving consent because of their age or temporary or permanent mental or physical incapacity.

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 that person's consent, including instances where the person is incapable of giving consent because of their age or temporary or permanent mental or physical incapacity.

Sexual Contact⁶

The intentional touching of the clothed or unclothed body parts of another person without that person's consent for the purpose of sexual degradation, sexual gratification, or sexual humiliation, and/or the forced touching of a person's clothed or unclothed body parts, without consent of the person being forced to touch, for the purpose of sexual degradation, sexual gratification, or sexual humiliation, including instances where the person is incapable of giving consent because of their age or temporary or permanent mental or physical incapacity.

Incest

Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape

Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship is determined based on a consideration of the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

Domestic Violence

A felony or misdemeanor crime committed by a person who is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the Commonwealth of Pennsylvania, or a person similarly situated to a spouse of the victim; is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; shares a child in common with the victim; or commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the Commonwealth of Pennsylvania.

Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer

⁶ This offense was previously referred to as "Fondling."

substantial emotional distress. Stalking must be based on a Protected Class in order to be within the scope of this Policy.

Sexual Exploitation

Any taking non-consensual or abusive sexual advantage of another person for the benefit of anyone other than the person being taken advantage of, when not otherwise addressed by the definitions of Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment I or II, Sexual Assault, Dating Violence, Domestic Violence, or Stalking under this Policy. This may include, but is not limited to: observing a person in a state of undress or engaging in sexual activity without their knowledge and consent (“voyeurism”); taking, creating, and/or disseminating photographs or audio, video, or audiovisual recordings, including “livestreaming,” of another person in a state of undress or engaging in sexual activity without their knowledge and consent; disseminating intimate images which were taken or received consensually but regarding which consent to share or distribute, including by online “posting,” was not given; prostituting another person; dishonesty or deception regarding the use of condoms (including internal (“female”) condoms) during sexual activity (often referred to as “stealthing”); and/or threatening to disseminate intimate images in order to force a person to take or refrain from taking any non-sexual action.

Retaliation

Any intimidation, threats, coercion, or discrimination directed at an individual by Carlow, a Student or employee of Carlow, or any other person authorized by Carlow to provide aid, benefits, or services as part of a University Education Program or Activity, for the purpose of interfering with that individual’s right(s) under this Policy, or because the individual has made a Report or Complaint under this Policy; made a report or complaint to an external agency or to law enforcement; or participated or refused to participate in any investigation, adjudication, or other proceeding under this Policy, including an Informal Resolution Process or Grievance Procedures.

Retaliation includes Peer Retaliation, but also Retaliation by a student against an employee, or by an employee against a student, as well as by an employee against another employee of more or less senior role. An individual need not be a Complainant or Respondent to have committed or been affected by Retaliation.

It is not Retaliation for Carlow to require an employee, or other person authorized by Carlow to provide aid, benefits, or services as part of a University Education Program or Activity, to participate as a witness in, or otherwise assist with, any investigation or adjudication under this Policy. This includes, for employees not on 12-month appointments, participation or assistance at any time during the calendar year.

SUPPORTING DEFINITIONS: CONSENT AND INCAPACITATION

Consent

For the purposes of this Policy, consent is defined as a freely and affirmatively communicated agreement to participate in sexual activity. Consent can be given by words or by clear, unambiguous action. What is essential is that the individual has affirmatively demonstrated their willingness to participate in sexual activity and, as such, consent may *not* be inferred from silence, passivity, or lack of response or resistance. Importantly, consent must be present at all times: at any time, a person can communicate that they no longer consent to sexual activity, and sexual activity must immediately cease. Consent should be sought before initiating additional sexual acts, such that consent to *some* sexual activity (such as kissing) does not constitute consent to *other* sexual activity (such as intercourse), even if the person has previously agreed to engage in such sexual activity. Consent is not given if it results from the threat or use of physical force, intimidation, or any other factor that negates free choice. Determining whether consent was present during a sexual encounter is a fact- and circumstance-dependent inquiry which may include the larger context, if any, including Relevant (as defined by this Policy) facts regarding the relationship between the Parties.

Incapacitation

Also for the purposes of this Policy, incapacitation is defined as the temporary or permanent inability of a person to consent to sexual activity because the person is asleep, unconscious, otherwise unaware that sexual activity is occurring, involuntarily restrained, and/or mentally and/or physically helpless. This may be, but need not be, due to voluntary or involuntary drug or alcohol consumption. Incapacitation is a state beyond intoxication. A Respondent may not be found responsible for a violation of this Policy if the Complainant was incapacitated, but the Respondent did not know this, and a reasonable person, sober and exercising sound judgment, would not have so known. Being intoxicated or otherwise impaired by drugs or alcohol is not an excuse for engaging in conduct prohibited by this Policy and does not affect the requirement to obtain Consent.

OTHER DEFINITIONS

Applicant

A person who is applying for admission as a student or other participant in a University Education Program or Activity, and/or who is applying for employment at Carlow.

Complainant

A Student, employee, or other individual who is alleged to have been subjected to conduct that could constitute Discrimination. In the event a Complaint is brought by a Civil Rights Coordinator, the individual affected by the alleged Prohibited Conduct that is the subject of the Complaint remains the Complainant, and the Civil Rights Coordinator does not become the Complainant.

Complaint

A Complaint is a document – including an electronic submission—filed by a Complainant with a signature or other indication that the Complainant is the person filing the Complaint, or a document signed by the applicable Civil Rights Coordinator, alleging Prohibited Conduct against a Respondent and requesting initiation of the procedures in this Policy to investigate the allegation(s).

A Complainant must have been enrolled, employed, or otherwise participating or attempting to participate in Carlow's Education Program or Activity at the time the alleged Prohibited Conduct occurred in order to file a Complaint under this Policy, although the Complainant need not be enrolled, employed, or otherwise participating or attempting to participate in Carlow's Education Program or Activity at the time the Complaint is made.

In all cases involving Title IX Sexual Harassment, if the Complainant is not enrolled, employed, or otherwise participating or attempting to participate in a Carlow Education Program or Activity at the time of the Complaint, the matter will be dismissed for Title IX purposes and Carlow will treat the Complaint as one of Non-Title IX Sexual Harassment.

Day

A business day, when Carlow is open.

Disciplinary Sanctions

Consequences imposed on a Respondent following a determination that the Respondent is responsible for having committed Prohibited Conduct.

Education Program or Activity

Carlow's Education Program or Activity includes locations, events, or circumstances over which Carlow exercises substantial control over both the Respondent and the context in which the alleged Prohibited Conduct occurred, including any on-campus premises or any buildings or property owned or controlled by a recognized student organization. Carlow will address conduct contributing to a Hostile Environment based on a Protected Class even if the underlying conduct itself occurred outside Carlow's Education Program or Activity, including if it occurred outside the United States. For the avoidance of doubt, this includes conduct occurring online (via computer and internet networks or on digital platforms, including social media sites).

Party

The Complainant or Respondent (collectively, the Parties).

Peer Retaliation

Retaliation by a Student against another Student.

Pregnancy or Related Conditions

Pregnancy and childbirth, including related medical conditions, events, and/or recovery, as well as lactation.

Relevant

Related to the allegations of Prohibited Conduct at issue and whether or not the alleged Prohibited Conduct occurred. The following evidence is impermissible and will not be considered Relevant:

- evidence protected under a privilege recognized by federal or state law, unless the person holding the privilege has waived it voluntarily;
- records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to a Party or witness, unless the person has voluntarily consented, in writing, to the use of such records in the Grievance Procedures; and/or
- evidence and questions about the Complainant's sexual interests or prior sexual conduct, unless:
 - offered to prove that someone other than the Respondent committed the conduct alleged, or
 - if concerning specific incidents of prior sexual activity with the Respondent which are offered to prove Consent.

Such impermissible evidence will not be accessed, considered, disclosed, or used, except to determine whether one of the preceding exceptions applies.

Remedies

Measures provided, as appropriate, to a Complainant or other person whose equal access to Carlow's Education Program and/or Activity was determined to have been limited or denied by Prohibited Conduct, in order to restore or preserve that person's access to the Education Program or Activity.

Report

Any notice of conduct that may constitute Prohibited Conduct. A Report may come from any individual, not just a Complainant. Not every Report is or will result in a Complaint.

Respondent

A person who is alleged to have violated this Policy.

Standard of Proof

A preponderance of the evidence, meaning that it is more likely than not, based on all Relevant evidence, that the Respondent engaged in the Prohibited Conduct.

Student

A person who has gained admission to Carlow and is currently enrolled in an academic program at Carlow, including but not limited to: classes/coursework, clinical, practicum, and/or internship, OR is eligible for enrollment but currently on

a recognized leave of absence. A person may be both a Student and an Employee of Carlow.

APPENDIX 2: EXTERNAL REPORTING & INQUIRIES

Inquiries about the application of civil rights laws to Carlow or questions regarding this Policy may be directed to the Civil Rights Coordinators, and may also be directed externally as follows.

Office for Civil Rights (“OCR”)

U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202
Phone: (800) 421-3481
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

U.S. Equal Opportunity Commission (“EEOC”)

131 M Street, NE
Washington, D.C. 20507
Phone: (800) 669-4000
Email: info@eeoc.gov
Web: <https://www.eeoc.gov/>

Pennsylvania Human Relations Commission (“PHRC”) - Pittsburgh Regional Office

301 Fifth Avenue, Suite 390, Piatt Place
Pittsburgh, PA 15222
Phone: (412) 565-5395
Email: phrc@pa.gov
Web: <https://www.pa.gov/agencies/phrc>