



# College of Court Reporting

## Title IX Policy

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### Title IX Policy

## Title IX Coordinator

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## Training

### Conducting and Adjudicating Title IX Hearings: An OCR Training Webinar

[https://www.youtube.com/watch?v=yQ4-S5Jahw&feature=youtu.be&utm\\_content&utm\\_medium=email&utm\\_name&utm\\_source=govdelivery&utm\\_term](https://www.youtube.com/watch?v=yQ4-S5Jahw&feature=youtu.be&utm_content&utm_medium=email&utm_name&utm_source=govdelivery&utm_term)

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**College of Court Reporting  
Interim Title IX Nondiscrimination, Harassment,  
Sexual Harassment, and Sexual Misconduct Policy**

**I. NONDISCRIMINATION AND HARASSMENT POLICY STATEMENT**

It is the policy of College of Court Reporting (the College or CCR) that no person shall on the grounds of race, color, gender, age, disability, veteran status, religion, national origin, or sexual orientation be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or in any educational program or activity of the College. The prohibited discrimination also includes discrimination based on pregnancy. To that end, and in compliance with federal and state laws, the College prohibits any member of the faculty, staff, administration, student body, or visitors to campus, whether they are guests, patrons, independent contractors, or clients, from discriminating against any other such person or member of the College community in violation of this Policy. A person may also file a complaint of discrimination with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html), or calling 1-800-421-3481. The U.S. Department of Education Office of Civil Rights is also located at: Lyndon Baines Johnson Department of Education Bldg., 400 Maryland Avenue, SW Washington, DC 20202-1100.

College of Court Reporting also prohibits harassment, and may consider it a form of discrimination, as set forth above, if it is unwelcome and determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to College of Court Reporting's education program, work, participation in a College activity, or purpose for being on campus, or is otherwise considered discrimination in violation of the law. Harassment prohibited by this Policy may include, but is not limited to, threats, physical contact, violence, pranks, jokes, derogatory comments, vandalism, or verbal, graphic, or written conduct directed at an individual or individuals because of their race, color, sex, age, disability, veteran status, religion, national origin, sexual orientation, or gender identity. Even if actions are not directed at specific persons, a hostile environment may be created when the conduct is sufficiently severe, pervasive or persistent so as to unreasonably interfere with or limit the ability of an individual to work, study, participate in activities of the College, or achieve their purpose for being on campus. Furthermore, off campus incidents or incidents at non- College activities may be considered when determining the severity, pervasiveness, and objectively offensive conduct that gives rise to hostility or harassment.

Certain "responsible employees" have a duty to promptly report when the responsible employee knows or reasonably should know of a possible discrimination, harassment, or sexual misconduct. Responsible employees are those (1) who have the authority to take action to redress sexual misconduct; (2) who have been given the duty of reporting incidents of sexual misconduct such as sexual violence, sexual harassment, domestic violence, dating violence, stalking, or any other misconduct by students to the Title IX Coordinator or other appropriate school designee; or (3) who could reasonably be believed to have this authority

or duty. Responsible employees include, but are not limited to, administrators and faculty. Responsible employees must promptly report incidents of discrimination, harassment, and sexual misconduct to the Title IX Coordinator. Furthermore, Indiana law requires that anyone who has reason to believe a minor (17 years of age or less) has been sexually assaulted immediately report the matter to local law enforcement.

This Policy, and its procedures and processes, are administered by numerous College employees as mentioned throughout. All involved employees are to recuse themselves from a matter when there is a conflict of interest. Any involved employee may raise the issue of a potential conflict of interest to the College's retained counsel to determine whether an employee has a conflict of interest in any particular case, and the retained counsel may then replace that person or take other action to the extent necessary to abate the conflict and preserve impartiality.

## **II. PROHIBITED HARASSMENT AND SEXUAL MISCONDUCT POLICY STATEMENT**

Harassment on the basis of sex, as later defined under this Policy, is a violation of federal and state law. College of Court Reporting strives to create a safe and nondiscriminatory environment where individuals treat one another with respect and, therefore, does not tolerate sexual harassment on campus or within the scope of its activities. Individuals who believe they are victims of sexual harassment are strongly urged to promptly report such incidents as set forth under the reporting procedures below. College of Court Reporting will investigate every sexual harassment complaint in a timely manner and, when there is a finding of sexual harassment, take corrective action to stop the harassment and prevent the misconduct from recurring, and correct any discriminatory effects of such harassment. The severity of the corrective action will depend on the circumstances of the particular case.

The determination of what constitutes sexual harassment will vary with the facts and circumstances of a particular case but generally involves unwanted sexual attention. Any person may be subject to sexual harassment, and one can be sexually harassed by a member of the same gender. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
- (3) Sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a)).

Sexual harassment does not include:

(1) Discussions, communications, or actions that are sexual in nature but part of a legitimate academic exchange of ideas and/or dictation material, or artistic performance. As a College that values academic freedom and expression, there may be times when debates, performances, discussions, or classroom work or dictation of this type are acceptable and even encouraged; or (2) Any other harassment not based on race, color, sex, age, disability, veteran status, religion, national origin, sexual orientation, or gender identity.

The College does not support any incidents of harassment even though the incident may not constitute sexual harassment. As such, it reserves the right to punish the instigator of such an incident under a different theory, for example, lacking collegiality. If there is any question whatsoever, the incident should be reported and the grievance process should be followed.

### **Title IX Coordinator**

The Title IX Coordinator is appointed by the President and responsible for monitoring, advising, and overseeing all complaints involving discrimination harassment, and sexual misconduct, and identifying and addressing any patterns or systemic problems that arise during the review or administration of any aforementioned complaints. The Title IX Coordinator is also responsible for assessing the campus climate, coordinating any remedial or interim measures, and providing training to campus community members. The Title IX Coordinator will be available to meet and provide assistance to individuals, who believe they have been a target or victim of discrimination, harassment, or sexual misconduct, but the Title IX Coordinator is not an emergency contact person that provides immediate assistance for anyone who has been sexually assaulted or is a victim of a crime. The Title IX Coordinator is adequately trained to deal with issues arising from discrimination, harassment, or sexual misconduct on campus, has a thorough understanding of the grievance processes, and is available as a general resource in addition to overseeing the administration of a discrimination, harassment, and sexual misconduct complaint processes. The current Title IX Coordinator is . Natalie Kijurna. Her office is located at 455 West Lincolnway, Suite A, Valparaiso, Indiana, 46385, and she can be contacted at 866-294-3974, ext. 229, or natalie.kijurna@ccr.edu.

### **III. RETALIATION, MALICIOUS COMPLAINTS, FALSE INFORMATION**

It is a violation of this Policy for a person to retaliate against an individual because that individual, in good faith, reports a violation of this Policy or files a complaint pursuant to this Policy claiming a violation of this Policy. Retaliation against witnesses and others who assist in bringing a complaint or otherwise cooperate in an investigation is prohibited. A retaliation complaint will be considered a separate claim from the original complaint, with separate proceedings and subjecting the alleged violator to separate disciplinary action.

However, any individual who knowingly or recklessly files a false complaint claiming a violation of this Policy, or who knowingly or recklessly provides false information in the implementation of the process to enforce this Policy, may be subject to disciplinary action.

#### **IV. SANCTIONS/DISCIPLINE**

Violations of this Policy can be very serious matters having far-reaching effects on the lives and careers of individuals or success of students. Employees, students, and guests who violate this Policy are subject to disciplinary action. Possible sanctions for a person found to be in violation of this Policy include, but are not limited to, the following:

(1) Oral or written reprimand; (2) Required attendance at a harassment/discrimination sensitivity program; (3) Oral or written warning; (4) Loss of salary or benefits or demotion; (5) Transfer or change of job, class, residential assignment, or location, including removing the person from being in a position to retaliate or further harass or discriminate against the complainant; (6) Suspension, probation, termination, dismissal, expulsion, or removal from campus; or (7) Other action College of Court Reporting deems appropriate under the circumstances including termination of contractual arrangements with the College.

While counseling is not considered a sanction, it may be offered or required in combination with sanctions. If a student or student groups are found to be in violation of this Policy, any of the sanctions set forth in the CCR Catalog may also be involved.

#### **V. SEXUAL MISCONDUCT RESOURCES AND REPORTING OPTIONS INCLUDING CONFIDENTIAL RESOURCES<sup>1</sup> AND NON-CONFIDENTIAL RESOURCES**

**Confidential vs. Non-Confidential Resources** A student or employee who has been a target or has been accused of discrimination, harassment, or sexual misconduct, and wishes to keep his or her identity and information private and confidential, should seek a confidential resource. A student or employee, who has been a target or has been accused of discrimination, harassment, or sexual misconduct, and wishes to report an incident, should seek a non-confidential resource. The non-confidential resources will protect a student or employee's privacy by limiting the people with whom they share the reported information; however, non-confidential resources cannot guarantee complete confidentiality, as they must notify and report to the Title IX Coordinator.

**Protective Measures** For employees, the Title IX Coordinator will coordinate working accommodations if such accommodations are reasonably available. Regardless of whether a student or employee decides to report the incident of sexual misconduct to the Valparaiso Police Department, interim measures and accommodations are available upon the victim's request and will be implemented when they are reasonably available.

At any time, a student or employee may seek a court-issued protective order at the Porter County Clerk's Office located at 16 East Lincolnway, Suite 209, Valparaiso, Indiana 46383. If an order of protection, no contact order, restraining order, or another similar lawful order issued by a criminal, civil, or tribal court is obtained, a copy should be provided to the Title IX Coordinator. The College will take all reasonable steps to implement such an order.

**Additional Options Available for Reporting Sexual Misconduct** Both men and women can be victims or perpetrators of sexual misconduct. College of Court Reporting does not tolerate violence and strongly encourages all persons who feel they may have been a victim of violence while on campus or participating in a College endeavor to report the incident to the local police department or, if the victim so chooses; decline to notify such authorities. The Title IX Coordinator will assist a victim in notifying local police if requested by the victim.

A person who perpetrates sexual violence, such as rape or sexual assault, while on campus or during a College-sponsored activity or endeavor is subject to a broad range of disciplinary actions including, but not limited to: suspension, expulsion, termination of employment, and/or permanent separation from the College.

An individual who believes they have been a victim of sexual violence is encouraged to immediately contact the local police. An officer will:

- Provide for the person's immediate need for safety;
- Call a counselor to speak with the person;
- Provide transportation to the emergency room if requested;
- Gather information pertaining to the incident;
- Advise the person on obtaining a restraining order, and by request, notify someone with authority over the assailant so contact between the two parties can be limited; and
- Call the Title IX Coordinator to assist in the matter.

An individual is not required to report the local police immediately; however, it is important to preserve any evidence of the incident as it may be necessary to prosecute a crime or obtain an order of protection. An individual is strongly encouraged not to shower, douche, brush teeth, eat, or change clothing in an effort to preserve physical evidence. If a victim changes clothes, a victim is encouraged to put all clothing wearing at the time of the incident into a paper bag.

Students have the following additional options available immediately:

(1) Call the Title IX Coordinator at 866-294-3974, ext. 229 or [natalie.kijurna@ccr.edu](mailto:natalie.kijurna@ccr.edu) (2) Go directly to the local Emergency Room. The hospital may charge the student for services. Medical personnel will call the local police. A person choosing this option for requesting assistance may expect appropriate professionals to fill the following roles:

- Emergency Room personnel will conduct a physical examination, treat any injuries, gather physical evidence of the assault and supply aftercare instructions;
- A local officer will interview relevant parties, including the victim, to initiate an official investigation; and
- An advocate will provide emotional support, safeguard the person's right to make choices, assist the person in examining alternatives and begin the recovery and re-empowerment process.

Employees and students have the following additional options available:

(1) Contact the Title IX Coordinator at 866-294-3974, ext. 229 or natalie.kijurna@ccr.edu; and/or (3) Contact an off-campus service available to assault victims, which include:

- National Sexual Assault Hotline 1.800.656.HOPE
- Sexual Assault Recovery Project 219.465.3408
- Victim's Assistance Unit 219.465.3433
- Porter County Prosecutor's Office 219.465.3415
- Porter Starke Services 219.531.3500

**Available Reporting Options** The College will respond to discrimination, harassment, or sexual misconduct if (1) the school has actual knowledge of sexual harassment; (2) that occurred within the school's education program or activity; (3) against a person in the United States. Certain responsible employees have a duty to promptly report discrimination, harassment, or sexual misconduct as set forth above in this Policy. Indiana law requires that anyone who has reason to believe a minor (17 years of age or less) has been sexually assaulted immediately report the matter to the local law enforcement. Members of the College community who believe they have been discriminated against, harassed, or a target of sexual misconduct, or know or reasonably should know of discrimination, harassment, or sexual misconduct, or have been accused of discrimination, harassment, or sexual misconduct while on campus or participating in a College-sponsored activity or endeavor, should contact the Title IX Coordinator.

Employees and students can file an Informal or Formal Complaint anytime. Employees and students may file an Informal or Formal complaint against an employee or student pursuant to the Informal and Formal Complaint/Resolution Processes as proscribed below. Complaints by or against non-employees and non-students that allege sexual violence such as sexual assault or rape or the violation of a crime, may be made with local law enforcement or the Title IX Coordinator. Complaints by or against non-employees and non-students that allege discrimination, harassment, or sexual misconduct must be filed with the Title IX Coordinator if the alleged violator is an employee or student. The Title IX Coordinator may take all reasonable steps to investigate or file a complaint against an employee or student if the victim does not invoke the Informal or Formal Complaint Resolution Process in circumstances where there is a continuing or broader threat to the campus community.

All reporting mechanisms may also apply to any student or employee who has been discriminated against, harassed, or a target of sexual misconduct by another student or employee off campus or during a non-College activity. Finally, the College has the authority to take interim action against any alleged violator while the applicable complaint process is pending. The purpose of any interim action is to separate the complainant from the alleged violator or alleviate any potential danger while the applicable process is pending. Any employee subject to an interim action will still be paid their normal rate of pay while the applicable process is pending.

## **VI. INFORMAL DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT COMPLAINT/RESOLUTION PROCESS**

Using the Informal Complaint/Resolution Process for a discrimination, harassment, or sexual misconduct complaint is not required or necessarily encouraged, but the alleging individual may prefer to attempt to resolve the matter utilizing this Process. The purpose of this Process is to expeditiously resolve the matter to the satisfaction of the complainant without having to undergo a Formal Complaint/Resolution Process.

To invoke this Process, *if the alleged violator is an employee, student, or nonstudent or nonemployee*, the complainant must file an Informal Complaint Form with the Title IX Coordinator who may help with filing the complaint and provide oversight of the process.

The complainant must supply a brief description of what occurred, the name of the violator(s), any witnesses, any evidence of his/her claim, and his/her desired outcome or results. The investigator(s) will review the complaint, will meet with the parties and any available witnesses, and will review all available evidence. A proposed resolution will be presented to the complainant and respondent for approval or disapproval. Possible resolutions include: temporary, indefinite, or permanent separation of the parties, explicit agreements about future conduct, change in workplace assignments, substitution of one class for another, or other appropriate relief. The complainant may choose to dismiss his/her Informal Complaint anytime during this Process and/or file a Formal Complaint.

If the matter does not result in the alleging individual's desired outcome, he or she may reject the proposed resolution and file a Formal Complaint. If the alleging individual is satisfied with the outcome or it results in his/her desired outcome, the results will be documented and the matter will be resolved.

## **VII. FORMAL DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT COMPLAINT/RESOLUTION PROCESS**

**Purpose** The purpose of this Process is to provide avenues for formally addressing and resolving claims of discrimination, harassment, or sexual misconduct, and taking action against an employee who has violated the College's policy that prohibits discrimination, harassment, or sexual misconduct. This Process applies to any student or employee wanting to make a complaint against any employee or student. All reported incidents will be treated seriously and given prompt attention.

**Confidentiality** The Title IX Coordinator is in the best position to evaluate confidentiality requests, though the College may reasonably determine that another employee would be more appropriate. In the event a complainant requests confidentiality or asks that a complaint not be investigated, the College will take all reasonable steps to investigate and respond to the complaint consistent with a request for confidentiality or a request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the College's ability to respond may be limited. The College reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the campus community.

**Starting the Process** A Formal Complaint against an employee is filed with the Title IX Coordinator. A Complaint Form can be obtained by contacting the Title IX Coordinator. The Form will require the complainant to set forth sufficient details of the incident(s), along with alleged violators, witnesses, evidence (included or attached), and relief sought. Complainants are encouraged to file their complaint in a timely manner to preserve evidence. The Title IX Coordinator will forward a copy to the alleged violator(s). The alleged violator(s) may submit a written response to the Title IX Coordinator, attach additional evidence to the response, and name any additional witnesses. Any written response must be submitted to the Title IX Coordinator within ten (10) calendar days after the alleged violator received a copy of the Form. The Title IX Coordinator will immediately forward a copy of the written response to the Complainant. All members of the CCR community should understand that this Policy is not intended to keep them from filing a criminal complaint if they so choose. The College's process is separate from a criminal investigation or other criminal proceedings. The College's responsibilities under this Policy are not relieved if a criminal complaint is filed in court or if there is an outside law enforcement agency investigating the matter. Further, the College can find a violation of this Policy even if the criminal standard for a conviction cannot be met.

**Investigation and Procedures** The Discrimination, Harassment, and Sexual Assault Grievance Committee will facilitate a live hearing to determine, by clear and convincing evidence, whether or not the complainant was discriminated against, harassed, or a target of sexual misconduct in violation of College policy. The Committee shall consist of one (1) employee appointed by the President. This employee receives annual training on issues related to sexual misconduct, investigation, and the hearing process. The committee member will either be a full-time salaried employee or faculty member.

The College investigation and resolution proceedings shall be prompt, fair, and impartial. During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. The decision-maker must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. Live hearings may be conducted with all parties physically present in the same geographic location or, at the CCR's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. CCR will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. At the request of either party, CCR must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the party answering questions. Only relevant questions may be asked. The decision maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, CCR must provide without fee or charge to that party, an advisor of the school's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Both parties have rights. They include: (1) equal opportunity to identify and have considered witnesses and other relevant evidence; (2) similar and timely access to all information considered by the Committee; (3) equal opportunity to review any statements or evidence provided by the other party; and (4) equal access to review and comment upon any information independently developed by an investigator or the Committee.

The Committee may dismiss any complaint if, assuming the allegations were true, it would not constitute a violation of the College's Policy against discrimination, harassment, or sexual misconduct. The President of the College may appoint outside legal counsel or a consultant to guide or direct the Committee. The Title IX Coordinator shall oversee the process, may provide the Committee advice on the process, but shall have no authority over the Committee.

Should the Committee have a conflict of interest in hearing the matter, he or she must withdraw from this matter. In such a case, the withdrawing Committee member will be replaced by a similarly situated person.

The College will strive to resolve a complaint within sixty (60) calendar days of receiving it, though certain resolutions may take longer depending on the circumstances. If resolution will take longer than sixty (60) calendar days, the parties will be given notice and an explanation in writing. The College's internal investigation is separate from the investigation of outside law enforcement agencies, and the College will only delay its investigation due to an outside investigation if particular circumstances warrant such a delay. Delays for this reason will typically not exceed 3–10 calendar days. At the hearing, standard courtroom procedures and rules of evidence will not apply. The Committee must review the complaint, its attachments, and any written responses and their attachments; separately interview and question the complainant and alleged violator(s); and call to attendance available witnesses they determine might have relevant information. The complainant and the alleged violator(s) may have

advisors of their choice at the hearing or any related meeting but such person may not ask questions of the Committee member, witnesses, or otherwise participate in the hearing. The Committee may make negative inferences from any alleged violator's refusal to participate in the process or answer questions from the Committee member. In cases of alleged sexual misconduct, questioning about the complainant's sexual history with anyone other than the respondent will not typically be permitted, especially when the purpose is purely to show the complainant's sexual predisposition. However, in certain circumstances it may be permissible, such as if the complainant raises the issue or if it is of particular relevance to the current complaint. When requested, the College will make arrangements so that the complainant and the alleged violator(s) do not have to be present in the same room at the same time.

A written determination shall be rendered by the Committee within five (5) calendar days after the hearing. The decision shall set forth justification for the decision and signed by the Committee. A determination against the violator shall set forth any sanctions. The matter shall be final and binding unless appealed. The Executive Director over the violator may postpone the sanctions or suspend the violator, with pay, until the time to appeal the determination has expired or the appeal process has been exhausted. The Committee may attach any relevant documents to the written determination. Both the complainant and the respondent shall be simultaneously notified in writing of: (1) the outcome of the hearing; (2) appeal procedures; (3) any changes to the results that occur prior to the time the results become final; and (4) the final determination.

A copy of the Committee's written determination shall be provided to the Title IX Coordinator and the immediate supervisor, and placed in personnel files.

**Appeals Process** The complainant or any violator(s) can appeal the Committee's determination by submitting a written appeal to the alleged violator's Executive Director within five (5) calendar days from the date of receipt of the Committee's determination. The appeal must be dated, signed by the party appealing, set forth reasons why the Committee's determination is unjustified, and include a copy of the determination. The Executive Director will immediately forward a copy of the appeal to the Committee, the Title IX Coordinator, and the non-appealing party. The Committee will provide the Executive Director a written response within five (5) calendar days from the date of his/her receipt of the appeal, and the non-appealing party may provide a written response within five (5) calendar days from the date of his/her receipt of the appeal.

The Executive Director has the discretion to review the determination of the Committee on any basis he/she deems appropriate, interview witnesses, and render any decision on appeal that he/she deems appropriate. The Title IX Coordinator will be available to provide the Executive Director advice. The Executive Director shall issue a written determination within fifteen (15) days of his/her receipt of the appeal. A copy of the written decision shall be provided to the appealing party, the non-appealing party, the Title IX Coordinator, and the parties' personnel files. All decisions of the Executive Director are final and binding.

**Sanctions** The employee's Executive Director will review sanction(s) recommended and may modify the sanction(s) if so inclined.<sup>2</sup>

1 - Confidential Resources will report crimes to appropriate College personnel for inclusion in the annual crime statistics disclosure, though the victim's name will be withheld from the report. Further, all College publicly- available recordkeeping excludes personally-identifiable information to the extent permitted by law.

2 - To the extent there are any inconsistencies between the College of Court Reporting Interim Title IX Nondiscrimination, Harassment, Sexual Harassment, and Sexual Misconduct Policy and other College grievance, complaint, or discipline procedures, the Interim Title IX Nondiscrimination, Harassment, Sexual Harassment, and Sexual Misconduct Policy will control.