



**BRYN MAWR
COLLEGE**

**Interim Policy for the Prevention of Discrimination,
Discriminatory Harassment, and Retaliation**

Table of Contents

PURPOSE	2
I. SCOPE AND JURISDICTION	3
II. APPLICABILITY DATE	4
NOTICE OF NON-DISCRIMINATION.....	4
I. PROHIBITED CONDUCT	5
II. ACADEMIC FREEDOM.....	5
III. ROLE OF THE ASSOCIATE DIRECTOR OF CIVIL RIGHTS/TITLE IX COORDINATOR	5
IV. INTERNAL AND EXTERNAL INQUIRES	5
DEFINITIONS.....	6
I. DEFINITIONS OF PROHIBITED CONDUCT	6
II. OTHER DEFINITIONS	6
RESOURCES.....	8
I. CONFIDENTIAL RESOURCES.....	8
II. RESPONSIBLE EMPLOYEES; REQUIREMENT TO PROVIDE INFORMATION	9
III. ON- AND OFF-CAMPUS RESOURCES.....	9
IV. COORDINATION WITH LAW ENFORCEMENT.....	9
REPORTING PROCEDURES.....	10
I. TIME FRAME FOR MAKING A REPORT OR COMPLAINT	10
II. ANONYMOUS REPORTING.....	10
III. AMNESTY FOR STUDENTS WHO REPORT PROHIBITED CONDUCT	10
IV. PRESUMPTION OF NON-RESPONSIBILITY AND GOOD FAITH REPORTING.....	11
A. FALSE ALLEGATIONS AND STATEMENTS	11
V. PRIVACY AND CONFIDENTIALITY	11
A. PRIVACY OF DOCUMENTS	11
B. CONFIDENTIAL COMMUNICATIONS	12
VI. COLLEGE RESPONSE TO REPORTS AND COMPLAINTS	12
A. INITIAL ASSESSMENT.....	12
B. COMPLAINTS INVOLVING RESPONSIVE PERSONNEL	13
C. CHALLENGES TO RESPONDING PERSONNEL FOR BIAS OR CONFLICT OF INTEREST	13
D. CONSOLIDATION OF COMPLAINTS	13
E. SUPPORTIVE MEASURES	13
F. ACCOMMODATIONS FOR STUDENTS AND EMPLOYEES WITH DISABILITIES	14

Interim Policy for the Prevention of Discrimination, Discriminatory Harassment, and Retaliation

Responsible Office: Office of Civil Rights and Title IX

Effective Date: December 22, 2025

G. *INTERIM LEAVE; ADMINISTRATIVE LEAVE*..... 14
H. *ADVISORS*..... 15

RESOLUTION PROCEDURES 15

I. **DIRECTOR-INITIATED COMPLAINTS** 15
II. **WITHDRAWAL OF COMPLAINT** 16
III. **WITHDRAWAL OR RESIGNATION WHILE COMPLAINT IS PENDING** 16

RESOLUTION PROCESS 16

I. **ALTERNATIVE RESOLUTION PROCESS** 16
II. **FORMAL RESOLUTION PROCESS**..... 17
A. *TIME FRAMES*..... 17
B. *INVESTIGATION*..... 17
C. *NOTICE OF INVESTIGATIONS AND ALLEGATIONS* 17
D. *ACCEPTANCE OF RESPONSIBILITY*..... 18
E. *ADJUDICATION PROCESS*..... 18
III. **SANCTIONS; REMEDIES**..... 19
A. *STUDENT SANCTIONS*..... 19
B. *EMPLOYEE SANCTIONS*..... 20
IV. **APPEALS** 20
V. **RECORDKEEPING**..... 21

RELATED RESOURCES 21

CONTACTS 22

Purpose

Bryn Mawr College (“Bryn Mawr” or the “College”) has adopted this Interim¹ Policy for the Prevention of Discrimination, Discriminatory Harassment, and Retaliation (the “Discrimination Policy”) to implement its commitment to providing an educational and employment environment that is free from Discrimination and Discriminatory Harassment based on actual or perceived Protected Characteristics and Retaliation for engaging in protected activity under this Policy². Further, federal and state law prohibit Discrimination on the basis of protected characteristics, and such Discrimination is prohibited by this Policy. This Discrimination Policy and associated procedures are designed to provide a prompt, equitable, and impartial resolution of allegations of Discrimination, Discriminatory Harassment, or Retaliation. Bryn Mawr values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the Resolution Process during what is often a difficult time for all involved.

Bryn Mawr encourages individuals to promptly make a Report or Complaint of any alleged violations of this Policy (hereinafter, “Prohibited Conduct”) using any of the reporting options described in this Policy. Bryn Mawr will respond promptly and equitably to all Reports and Complaints of Prohibited Conduct,

¹ The Interim Policy for the Prevention of Discrimination, Discriminatory Harassment, and Retaliation and associated procedures are implemented on an interim basis and will be reviewed regularly to comply with recent changes to federal or state laws, implementing regulations, and enforcement guidance on nondiscrimination protections.

² Terms that are capitalized, including Discrimination, Discriminatory Harassment, Retaliation, and others are defined on pages 6-8 of this document.

Interim Policy for the Prevention of Discrimination, Discriminatory Harassment, and Retaliation

Responsible Office: Office of Civil Rights and Title IX

Effective Date: December 22, 2025

and will take appropriate steps to eliminate the behavior, prevent its recurrence, and address its effects. Note that Reports or Formal Complaints (as defined in the [Sexual Misconduct Policy](#)) of Title IX Sexual Harassment and other forms of Sexual Misconduct will follow the [Sexual Misconduct Policy](#), which is located on [the Office of Civil Rights and Title IX website](#).

Complaints related to a Student's disability status and/or provision of accommodations are addressed using the [Appeals Process and Equal Opportunity Complaint Resolution Procedure](#) maintained by the [Office of Access Services](#). However, allegations of Discrimination or Harassment on the basis of an actual or perceived disability, including instances in which the provision of reasonable accommodations has a discriminatory effect, will be resolved under this Policy and procedures.

This Discrimination Policy should be read consistently with all applicable federal, state, and local laws addressing Discrimination, Harassment, and related misconduct, including Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

This Discrimination Policy does not create any contractual, legal, or other right for any individual and does not impose any contractual or legal obligation on the College. Nothing in this Discrimination Policy limits the College's ability to address behavior that it determines is inconsistent with policies or values. The College reserves the right to make changes to this Discrimination Policy as necessary, and those changes are effective once they are posted online.

I. Scope and Jurisdiction

The behavioral expectations of this Discrimination Policy apply to all Bryn Mawr Students, employees (including faculty and staff), members of the Board of Trustees, officers, Applicants for admission or employment, volunteers, independent contractors, and other individuals participating or attempting to participate in Bryn Mawr's programs or activities. The College's programs or activities can be defined as locations, events, or circumstances where the College exercises substantial control over both the Respondent and the context in which the behavior occurs.

The Discrimination Policy prohibits all forms of Prohibited Conduct as defined below, and may be applied to incidents, patterns, and/or to the institutional culture/climate, all of which may be addressed in accordance with this Discrimination Policy. This Discrimination Policy applies when the conduct directly involves a College program, a College-recognized program or activity, or another College-related activity such as, but not limited to, attending a conference, a study abroad program, or conducting research in the field; and when the conduct may have the effect of creating or contributing to a hostile or abusive work or learning environment for a member of the College community.

The procedures under this Discrimination Policy apply to all matters in which the Respondent is an employee or Student of the College. Visitors to the College who engage in discriminatory actions within College programs or activities or on College property are not subject to the procedures of this Discrimination Policy but can be subject to actions that limit their access and/or involvement with College programs or activities as the result of their conduct, as necessary in the College's discretion to remedy any Discrimination or Discriminatory Harassment. Additionally, when a Respondent is unknown or is not an employee or Student of the College, the College can assist in identifying appropriate institutional and local resources, including implementing appropriate supportive measures and/or remedial actions, as well as supporting an individual in making a report to law enforcement or another applicable organization.

Haverford College (“Haverford”) and Bryn Mawr have a long-standing collaborative relationship that offers Students comprehensive access to academics, Student organizations, residence halls, dining facilities, and social activities on both campuses. Some academic programs and departments are provided only on one campus or structured to share resources between the two institutions. Due to the sometimes overlapping nature of Haverford and Bryn Mawr’s programs and activities, Bryn Mawr and Haverford may coordinate in the administration of their policies and procedures, as applicable, as mutually agreed by each institution and consistent with applicable laws.

II. Applicability Date

This Policy applies to all incidents that occurred on and after December 22, 2025. When a Report of past Prohibited Conduct is made, the College will typically apply the policy in place at the time of the alleged Prohibited Conduct and the procedures that are in place at the time the Complaint is made. Final decisions regarding which policy and procedures will apply in any specific case are made by the Associate Director of Civil Rights/Title IX Coordinator or designee in their discretion and in accordance with applicable law and/or regulation and are not appealable.

Notice of Non-Discrimination

Bryn Mawr complies with all federal, state, and local laws, regulations, and ordinances prohibiting Discrimination in private post-secondary education institutions. Bryn Mawr does not discriminate against any employee, Applicant for employment, Student, or Applicant for admission on the basis of actual or perceived:

- Age (40 years and over in the employment context)
- Citizenship status
- Color
- Disability (physical or mental)
- Gender identity/expression
- Genetic information, including family medical history (in the employment context)
- National origin (including shared ancestry or ethnic characteristics)
- Pregnancy or Related Conditions
- Race (including traits associated with race, including hair texture and protective hairstyles)
- Religion (including religious creed)
- Sex (including sex assigned at birth and differences in sex development)
- Sexual orientation
- Veteran status
- Or any other protected characteristic under applicable federal, state, or local law.

This Discrimination Policy covers Discrimination in both access to educational opportunities and employment. Therefore, any member of the Bryn Mawr community whose acts deny, deprive, or limit the educational or employment, residential, and/or social access, benefits, and/or opportunities of any member of the Bryn Mawr community, guest, or visitor on the basis of that person’s actual or perceived protected characteristic(s) listed above, is in violation of this Discrimination Policy.

Bryn Mawr College will promptly and effectively address any such Prohibited Conduct which it has notice using the applicable resolution process described below.

Interim Policy for the Prevention of Discrimination, Discriminatory Harassment, and Retaliation

Responsible Office: Office of Civil Rights and Title IX

Effective Date: December 22, 2025

I. Prohibited Conduct

The College prohibits Discrimination, Discriminatory Harassment, and Retaliation against any member of the College community. All definitions of Prohibited Conduct (as detailed below) within this Discrimination Policy encompass actual and/or attempted offenses.

II. Academic Freedom

Bryn Mawr recognizes the critical importance of academic freedom at institutions of higher education. Nothing in this Policy will be construed to diminish any rights afforded by academic freedom.

III. Role of the Associate Director of Civil Rights/Title IX Coordinator

The College has appointed an Associate Director of Civil Rights/Title IX Coordinator (“Associate Director”) to coordinate its compliance with federal and state civil rights laws, including Title VI. Any individual may make a Report or Complaint of Prohibited Conduct to the Associate Director. In this Discrimination Policy, when the term Associate Director is used, it should be understood to include any of the Associate Director’s designees. The Associate Director may delegate authority under this Discrimination Policy to one or more designees, while retaining ultimate oversight over the responsibilities of the role.

IV. Internal and External Inquires

Inquiries about the application of state and federal civil rights laws to the College or questions regarding this Discrimination Policy may be directed to the Associate Director and may also be directed externally to the following agencies.

Office for Civil Rights (“OCR”)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Phone: (800) 421-3481
Fax: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Equal Employment Opportunity Commission
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
Phone: (215) 440-2606
TT/TTY#: 1-800-669-6820
Web: www.eeoc.gov

Pennsylvania Human Relations Commission
Riverfront Office Center
1101-1125 S. Front Street, 5th Floor
Harrisburg, PA 17104-2515
Phone: (717) 787-9784
TT/TTY#: (717) 787-7279
Web: www.phrc.state.pa.us

Definitions

I. Definitions of Prohibited Conduct

DISCRIMINATION	Subjecting an individual or group to an adverse action, including differential treatment, with respect to a person's employment or participation in the College's education programs or activities based, in whole or in part, upon the person's actual or perceived protected characteristic(s). Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, religion, or religious creed.
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DISCRIMINATORY HARASSMENT (HOSTILE ENVIRONMENT)	Unwelcome verbal, physical, written, audio or visual conduct, or conduct using technology/social media based on an actual or perceived protected categories or characteristics that, based on the totality of the circumstances, is subjectively and objectively offensive and so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education programs or activities or has the purpose or effect of creating an academic or working environment that a reasonable person would consider to be intimidating, hostile, or offensive.
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Even a single or isolated incident may create a hostile environment if the incident is sufficiently severe. Further, a hostile environment could be created cumulatively from multiple incidents. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the Harassment is physical. In determining whether conduct is sufficiently severe or pervasive to meet the above standards, the College examines the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the persons involved. A person's subjective belief that behavior is or is not intimidating, hostile, or offensive does not determine whether that behavior is Discriminatory Harassment under this Discrimination Policy.

RETALIATION	Retaliation is any adverse action, intimidation, threat, coercion, or Discrimination against an individual taken for the purpose of interfering with any right or privilege secured by this Discrimination Policy or federal, state, or local laws or ordinances, or because the individual has made a Report or Complaint of Prohibited Conduct, testified, assisted, or participated or refused to participate in any manner in any investigation or proceeding related to this Discrimination Policy.
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It is not Retaliation for the College to pursue disciplinary action against those who make materially false statements in bad faith in the course of a resolution process under this Discrimination Policy. However, a determination of responsibility, by itself, is not sufficient to conclude that any Party has made a materially false statement in bad faith.

II. Other Definitions

Interim Policy for the Prevention of Discrimination, Discriminatory Harassment, and Retaliation

Responsible Office: Office of Civil Rights and Title IX

Effective Date: December 22, 2025

APPLICANT	A person who is applying for admission as a Student or other participant in the College’s education programs or activities, and/or who is applying for employment at the College.
COMPLAINANT	<p>A Student, employee, or other individual who is alleged to have been subjected to conduct that could constitute Prohibited Conduct under this Policy.</p> <p>In the event a Complaint is brought by the Associate Director, the individual affected by the alleged violation that is the subject of the Complaint remains the Complainant, and the Associate Director does not become the Complainant.</p>
COMPLAINT	An oral or written request that objectively can be understood as a request to investigate and adjudicate following the resolution process. It is the policy of the College to require that a Complainant confirm a request in writing prior to initiating the resolution process for Complaints of Prohibited Conduct under this Discrimination Policy. A Complaint of Prohibited Conduct can be made by a Complainant or the Associate Director.
DAY	A business day when the College is open.
PARTY	The Complainant or Respondent (collectively, the Parties).
PEER RETALIATION	Retaliation by a Student against another Student.
PREGNANCY OR RELATED CONDITIONS	Pregnancy, childbirth, false pregnancy, voluntary or involuntary termination of pregnancy (abortion, miscarriage, or stillbirth), recovery from childbirth, lactation, and/or other medical conditions related to pregnancy, childbirth, and/or recovery.
RELEVANT	<p>Related to the allegations of Prohibited Conduct at issue and whether or not the alleged Prohibited Conduct occurred. Questions are Relevant if they may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is Relevant if it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred. The following evidence is impermissible (and will not be considered Relevant) even if it would otherwise be considered Relevant:</p> <ul style="list-style-type: none">• Evidence protected under a privilege recognized by federal or state law, unless the person holding the privilege has waived it voluntarily in writing;• 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 these procedures.
REMEDIES	Measures provided, as appropriate, to a Complainant or other person whose equal access to the College’s education programs and/or activities was determined to have been limited or denied by Prohibited Conduct, in order to restore or preserve that person’s access to the College’s education programs or activities.
REPORT	Any notice to a responsible employee 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 engaged in Prohibited Conduct under this Discrimination Policy.
SANCTIONS	Consequences imposed on a Respondent following a determination that the Respondent violated this Discrimination Policy.
STANDARD OF EVIDENCE	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 the College.
STUDENT EMPLOYEE	A person who is both a Student and an employee of the College.

Resources

I. Confidential Resources

Confidential resources are not required to notify the Associate Director when a person informs them of conduct that may constitute Prohibited Conduct if that information is provided while the confidential resource is functioning within the scope of their duties to which confidentiality applies.

Importantly, confidential resources still must, upon receipt of such information, explain that they are a confidential resource; provide contact information for the Associate Director; explain how to Report Prohibited Conduct; and inform the disclosing individual that the Associate Director may be able to offer and coordinate supportive measures, as well as initiate an alternative resolution process or other procedures under this Discrimination Policy.

Confidential resources include the following:

For Employees:

- Employee Assistance Program
- Licensed/ordained religious advisors

For Students:

- Mental health care providers in Counseling Services
- Health care providers in Health Services
- Licensed/ordained religious advisors

Also included in the category of confidential resources 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 Prohibited Conduct, with respect to information disclosed in the course of conducting the approved study.

Semi-confidential resources may talk with an individual in confidence while only sharing limited, non-personally identifiable information with the Associate Director and the Clery Compliance Officer.³ Like “confidential resources,” these individuals cannot disclose the content of those communications, or records of the same, to any third party without the disclosing individual’s prior written consent, or if

³The Clery Compliance officer is responsible for ensuring the College complies with the Jeanne Clery Campus Safety Act (the Clery Act). Semi-confidential resources who receive Reports within the scope of their roles will timely submit anonymous statistical information for Clery Act purposes and make de-identified Reports of incidents so that the College can evaluate for a potential hostile environment, unless they believe it would be harmful to the individual who made the Report.

Interim Policy for the Prevention of Discrimination, Discriminatory Harassment, and Retaliation

Responsible Office: Office of Civil Rights and Title IX

Effective Date: December 22, 2025

permitted or required by law or relevant professional ethical obligations (such as “duty to warn”). Employees of the College who serve in such roles (“**semi-confidential resources**”) include the following:

- Wellness Program Director
- Wellness Program Coordinator

II. Responsible Employees; Requirement to Provide Information

All College employees who are not confidential resources must, upon receipt of information about conduct that may constitute Prohibited Conduct, notify the Associate Director.

A responsible employee must promptly Report all known information regardless of the manner of receipt, including through a third party. Responsible employees are not permitted to Report anonymously to satisfy their obligations as a responsible employee. Any questions regarding responsible employee responsibilities under this Discrimination Policy should be directed to the Associate Director.

Generally, Student employees are not considered responsible employees. However, Students in positions of leadership (i.e., Hall Advisors (HA), Customs Persons (CP), Peer Mentors (PM), Community Diversity Assistants (CDA), Peer Health and Wellness Educators (PHWE)), and Graduate Teaching Assistants within the College of Graduate School Social Work and Social Research and the Graduate School of Arts and Sciences are considered responsible employees under this Discrimination Policy and are therefore required to inform the Associate Director of any instance of Prohibited Conduct that comes to their attention in the scope of their work.

III. On- and Off-Campus Resources

Additional resources are available to members of the campus community, both on-campus and off-campus. Available resources are identified on [the College’s website](#). On-campus resources include:

- Campus Safety
- Student Support Services
- The Impact Center
- Undergraduate Dean’s Office
- Dean of Graduate Studies

Additional local resources include, but are not limited to:

- Bryn Mawr Hospital
- Lower Merion Township Police Department
- Victim Services Center of Montgomery County
- Laurel House Domestic Violence Shelter
- Women’s Center of Montgomery County

IV. Coordination with Law Enforcement

Complainants who wish to report to law enforcement are encouraged to do so. Making a report to law enforcement does not generally obligate an individual to pursue a criminal complaint, or to participate in the procedures under this Discrimination Policy. An individual may choose to participate in the procedures under this Discrimination Policy, in an external criminal process, both, or neither. In the event that both criminal and disciplinary processes are underway concurrently, the College may comply with

law enforcement requests for temporary delays in the processes set forth in this Discrimination Policy in order to permit law enforcement to gather evidence for a criminal investigation.

Reporting Procedures

The Associate Director is available to receive Reports or Complaints about conduct that may constitute Prohibited Conduct. The Associate Director is 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 Associate Director can be reached, and Reports and Complaints can be made, through any of the following channels:

Cary Carr
Associate Director of Civil Rights/Title IX Coordinator
ccarr1@brynmawr.edu
titleix_coordinator@brynmawr.edu
610-526-7863

[Bryn Mawr Online Reporting Form](#)

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

I. Time Frame for Making a Report or Complaint

There is no time limit on making a Report or Complaint, but individuals are strongly encouraged to Report incidents of alleged Prohibited Conduct as soon as possible. This will enhance the College'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.

II. Anonymous Reporting

Any individual other than a responsible employee making a required Report 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 reported, the College's ability to respond may be limited. This includes, but is not limited to, the likelihood that the College will not be able to pursue these 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 the Complainant wishes to remain anonymous, the College will seek to respect the request of the Complainant, and where it cannot do so, will explain why.

III. Amnesty for Students who Report Prohibited Conduct

The health and safety of every Student is of utmost importance. The College recognizes that Students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time of the Prohibited Conduct may be hesitant to make a Report due to fear of potential consequences for their own conduct. The College strongly encourages Students to Report incidents of Prohibited Conduct. An individual who experiences Prohibited Conduct, or witnesses Prohibited Conduct, acting in good faith, who Reports any incident of Prohibited Conduct to College officials or law enforcement will not be sanctioned by the College for violations of alcohol and/or drug use policies occurring at or near the time of the incident(s) of Prohibited Conduct. The College may request that the individual attend an approved alcohol or drug education program, without assessing any charges for such a program. Amnesty does not

preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes. Furthermore, this provision cannot be construed to prevent the College from taking any action deemed necessary under this Discrimination Policy.

IV. Presumption of Non-Responsibility and Good Faith Reporting

A Respondent is presumed to be not responsible for the alleged Prohibited Conduct unless and until the Respondent is determined to be responsible for Prohibited Conduct at the conclusion of procedures under this Discrimination Policy.

a. False Allegations and Statements

Deliberately false allegations and statements are a violation of College 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. 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.

V. Privacy and Confidentiality

Although often conflated, privacy and confidentiality are distinct terms with distinct meanings. Privacy refers to the College's commitment to sharing information related to any Report, Complaint, supportive measures, or procedures under this Discrimination Policy only:

- To a person with a legal right to receive disclosures of information, or with prior written consent;
- When necessary to effectuate this Discrimination Policy, or to otherwise address conduct which may reasonably constitute Prohibited Conduct;
- 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").

The College also provides training to personnel regarding the safeguarding of private information, instructs Parties and witnesses about its 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 procedures under this Policy (see "Privacy of Documents," below).

In any process under this Discrimination Policy, other than as provided for herein (for example, with respect to the privacy of documents, and with respect to the College's prohibition on Retaliation), the College 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 procedures under this Discrimination Policy.

a. Privacy of Documents

In order to preserve the privacy of the Parties and witnesses, documents or recordings prepared in connection with the formal resolution process (including, but not limited to, Complaints; Notices of Investigations and Allegations; draft and final interview summaries; draft and final descriptions of evidence and/or investigative reports; final written determination; and any appeals-related documents),

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.

b. Confidential Communications

Confidential communications are those exchanged with individuals belonging to certain professions (such as healthcare providers, professional counselors, or pastoral counselors) that 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 the College who serve in such roles ("confidential resources") can be found under "Resources."

VI. College Response to Reports and Complaints

a. Initial Assessment

The College will review and respond to all Reports and Complaints. Upon receiving a Report or Complaint, the Associate Director will promptly contact the Complainant to provide information, offer an intake meeting, advise them of the availability of supportive measures and on- and off-campus resources, and discuss the procedures available to them under this Discrimination Policy. The College will also make an immediate assessment of any risk of harm to individuals or the College community and will take steps necessary to address those risks.

After the intake meeting, the Associate Director will evaluate the reported conduct to determine whether, as alleged, it meets one or more definitions of Prohibited Conduct under this Discrimination Policy when assessing the appropriate response. For all Complaints alleging Prohibited Conduct, regardless of whether an intake meeting occurred, the College will also assess whether the incident, alone or cumulatively, created a hostile environment for Students, faculty, or staff, and, if so, the College will take steps reasonably calculated to end the hostile environment, remedy its effects, and prevent its recurrence.

Some conduct may not rise to the level of Discrimination or Discriminatory Harassment but may nonetheless be disruptive to an individual's education or employment experience. This conduct may include verbal or nonverbal conduct that communicates hostile, derogatory, or negative messages to target persons and is based on their actual or perceived protected characteristic(s) under this Discrimination Policy but where the information does not support an investigation or formal resolution process because it does not meet the elements of one or more forms of Prohibited Conduct. Other conduct of concern may be intentional or unintentional. Regardless of intention, expressions of this kind can have harmful impacts on individuals and the broader community. When this happens, the College seeks to offer support, resources, and interventions available through campus partners.

If the alleged Prohibited Conduct, if substantiated, would not constitute a violation of this Discrimination Policy, the Associate Director will inform the Complainant of other resources and options available, which may include referring the matter for action under a separate College policy. Similarly, in cases in which the Respondent is not a Bryn Mawr Student or employee and these procedures would not be available to the Complainant, the Associate Director will offer supportive measures and take other action as appropriate, if any, to address the behavior at issue.

If the College is satisfied that the matter can be resolved without invoking the formal resolution process, the College will inform the Complainant in writing of the outcome of the initial assessment and any

action taken by the College. In cases where the Respondent has been notified of the Complaint, the Respondent will also be notified in writing of the outcome.

b. Complaints Involving Responsive Personnel

In the event of concerns pertaining to the conduct of the Associate Director or other individuals involved in the College's response to Prohibited Conduct under this Discrimination Policy, Reports and/or Complaints may be directed to:

Shannon Kearns
Chief of Staff
skearns1@brynmawr.edu
610-526-5157

c. Challenges to Responding Personnel for Bias or Conflict of Interest

The Associate Director will perform their duties neutrally and without conflict of interest or bias. Any individual designated as an investigator, decisionmaker, appeal decisionmaker, or any person designated to facilitate an alternative resolution process, may not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

All designated personnel under this Discrimination Policy will receive training on the definitions of terms used in this Discrimination Policy, the scope of the Discrimination Policy, how to conduct a resolution process including appeals, and alternative resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

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 personnel designated under this Discrimination Policy, the Party should direct those concerns to the Associate Director. Concerns regarding the Associate Director shall be directed to the Chief of Staff (see above).

d. Consolidation of Complaints

In its discretion, the College may consolidate Complaints alleging Prohibited Conduct, against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations arise out of the same or related facts or circumstances. In addition, the College has discretion to consolidate allegations of other forms of misconduct – including allegations of Prohibited Conduct based on another protected category, should they occur in related incidents. If allegations involve Title IX Sexual Harassment or Other Sexual Misconduct, they will be addressed pursuant to the Sexual Misconduct Policy. If Complaints involving multiple Complainants, multiple Respondents, or multiple allegations are consolidated, each Party will have access to all of the information being considered including as provided by all involved Complainants, all involved Respondents, and all involved witnesses. The decision to consolidate Complaints is not subject to appeal.

e. 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 access to the College's educational programs or activities, including by protecting the safety of the Party/Parties or the College's educational environment, and/or by providing support to the Party/Parties during the pendency of procedures under this Discrimination Policy.

Interim Policy for the Prevention of Discrimination, Discriminatory Harassment, and Retaliation

Responsible Office: Office of Civil Rights and Title IX

Effective Date: December 22, 2025

Supportive measures are available before or after the filing of a Complaint, as well as in cases in which no Complaint is filed. They may, but may not, be modified or terminated at the conclusion of procedures under this Discrimination Policy. 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 related to Prohibited Conduct 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 include restrictions on communication in-person, electronically, and via third parties, as well as restrictions on access to the College 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.

Violations of no contact orders or other restrictions may be referred to appropriate Student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing resolution process under this Discrimination Policy.

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 College's education programs or activities.

f. Accommodations for Students and Employees with Disabilities

If a Party is a Student with a disability or employee with a disability, that Party is entitled to reasonable accommodations that would enable them to participate in all procedures under this Discrimination Policy, including, but not limited to, making a Report or Complaint, participating in an alternative resolution process, and/or participating in a formal resolution process. If a Student or employee with a disability requires such reasonable accommodations, they should promptly notify the Associate Director. In cases in which a Party is a Student with a disability, the Associate Director may consult, as appropriate, with the Party or with Access Services; in cases in which a Party is an employee with a disability, the Associate Director may consult, as appropriate, with the Party or with Human Resources.

A Party should not assume that the Associate Director is on notice that they are a Student or employee with a disability, even if the Party is registered to receive accommodations via Access Services, Human Resources, or another academic or administrative unit of the College.

g. Interim Leave; Administrative Leave

A Student Respondent may be placed on interim leave from the College's education programs or activities, or certain aspects thereof (such as, but not limited to, access to College facilities, housing, classes, and/or Student activities), pursuant to the College's existing procedures during the pendency of procedures under this Discrimination Policy.

An employee Respondent may be placed on administrative leave, pursuant to existing procedures, during the pendency of procedures under this Discrimination Policy. Administrative leave may include complete removal from the College's workplace or limitations on access to the workplace and may be imposed with or without pay.

h. 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 Discrimination Policy. An advisor may be, but is not required to be, an attorney. Generally, an advisor serves in a non-speaking role to advise and support a Party in meetings, interviews, and all other procedures under this Discrimination Policy.

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 Discrimination Policy or any additional rules of decorum provided by the College, the College may remove the advisor from the meeting, interview, or proceeding, and, if appropriate, any future meetings, interviews, or proceedings. Such removal of an advisor is not appealable. If a Party's advisor is removed, they may choose another advisor.

Resolution Procedures

I. Director-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 Associate Director 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, the College would require the removal of the Respondent from campus or impose another 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 the Prohibited Conduct occurred; and
- Whether the College could end the alleged Prohibited Conduct and prevent its recurrence without initiating the procedures under this Discrimination Policy.

If, after considering these and other relevant factors, the Associate Director determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the College from ensuring equal access on the basis of actual or perceived protected characteristic(s) to its education programs or activities, the Associate Director may initiate a Complaint. Prior to doing so, the Associate Director will notify the Complainant and appropriately address reasonable concerns about their safety or the safety of others, including by providing supportive measures. Regardless of whether a Complaint is initiated, the Associate Director will take other appropriate prompt and effective steps to prevent Prohibited Conduct from occurring

within the College's education programs or activities.

II. Withdrawal of Complaint

At any time prior to the conclusion of an investigation, the Complainant may request to withdraw the Complaint, or any allegations contained therein, by notifying the Associate Director in writing. The Associate Director will consider requests in light of the factors laid out above ("Director-Initiated Complaints"), relating to the Associate Director's decision to initiate any Complaint when the Complainant does not wish to do so. If the Associate Director refuses a request by a Complainant to withdraw a Complaint, the Associate Director will notify the Parties in writing of the decision and rationale. If a Complainant requests to withdraw their Complaint, they can re-file the Complaint at a later date and request a continuation of the procedures under this Discrimination Policy or voluntarily agree to an alternative resolution process.

The College will make multiple efforts to engage the participation of all Parties. However, the College may continue the process without a Complainant's and/or Respondent's participation, if it is possible and permitted to do so under applicable law.

III. Withdrawal or Resignation While Complaint is Pending

Should a Student withdraw from the College while a Complaint is pending, the College reserves the right to continue with the procedures under this Discrimination Policy in the Student's absence, at the College's discretion. A final written determination that would have resulted in a Student's suspension or expulsion will be noted in that Student's records.

Should an employee resign with an unresolved Complaint pending, Human Resources records will reflect that status, and the College reserves the right to continue with procedures under this Discrimination Policy in the employee's absence.

Resolution Process

I. Alternative Resolution Process

An alternative resolution process may be offered, at the discretion of the Associate Director, at any time before a final written determination has been made regarding whether a violation of this Discrimination Policy occurred. This includes upon receipt of a Report or Complaint, or during the pendency of procedures under this Discrimination Policy. An alternative resolution process is not permitted if such a process conflicts with federal, state, or local law; the College may also decline to permit an alternative resolution process when it determines that the alleged conduct presents a future risk of harm to others. The College's determination is not subject to appeal.

Alternative resolutions may include, but are not limited to, facilitated agreements. Facilitated agreements are communications between the Parties where a facilitator(s) serves as an intermediary to help the Parties reach a mutually agreed upon resolution to the complaint. Parties may engage in facilitated agreements either directly (facilitated dialogue) or indirectly (shuttle negotiation). Examples of resolution terms obtained through this process may include but are not limited to:

- Conducting targeted or wide-spread educational and training programs;
- Referral of Parties to counseling;
- Written or facilitated accountability statements;

Interim Policy for the Prevention of Discrimination, Discriminatory Harassment, and Retaliation

Responsible Office: Office of Civil Rights and Title IX

Effective Date: December 22, 2025

- Separation of the Parties (i.e., no-contact orders, agreed-upon restrictions from participation in campus events and/or registered Student organizations, or agreements to alternative participation to avoid contact)
- Restorative practices; and/or
- Agreed-upon relocation or removal from on-campus housing.

Both Parties must agree to participate in the alternative resolution process, and the College must agree that it is appropriate. As participation is voluntary, the College does not require Parties to waive the right to the formal resolution process as a condition of (continuing) enrollment or (continuing) employment, or the exercise of any other right.

II. Formal Resolution Process

a. Time frames

The investigation will be adequate, reliable, and impartial, and will be completed in a reasonably prompt timeframe, typically ninety (90) Days. Any timelines provided herein create no rights for the Parties and may be extended or changed by the College for good cause shown, in the College'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.

b. Investigation

The College will assign a trained investigator 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 a fair summary of the Relevant evidence.

The investigator will meet with each Party and Relevant witnesses. 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 fact witnesses to the investigator. However, the burden of gathering evidence, and satisfying the Standard of Evidence, lies with the College. A Party who wishes to introduce expert witnesses shall submit the request in writing to the Associate Director.

Providing information to the investigator through an interview, through the submission of documents, or both, is voluntary. The College does not compel Parties or 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.

An investigative report containing a fair summary of the Relevant evidence collected during the investigation and will be provided to both Parties for their review and response. The Parties will have ten (10) Days to provide written feedback to the investigator, who will consider such responses before finalizing the investigative report. After the investigator finalizes the investigation report, the report will be provided to the Parties ten (10) Days prior to any adjudication.

c. Notice of Investigations and Allegations

Upon receipt of a Complaint, the College will provide a written Notice of Investigation and Allegations to the Complainant and Respondent. If the Complaint is signed by the Associate Director, the Complainant

Interim Policy for the Prevention of Discrimination, Discriminatory Harassment, and Retaliation

Responsible Office: Office of Civil Rights and Title IX

Effective Date: December 22, 2025

will still receive the Notice of Investigation and Allegations but is not required to participate in the investigation or related activities. The Notice of Investigation and Allegations will include:

- the identities of the Parties involved, the conduct alleged to constitute Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s), if known;
- information about the College's prohibition on Retaliation;
- a statement that the Parties are entitled to an investigative report summarizing all Relevant (not otherwise impermissible) evidence and retain the equal right to access such evidence upon request;
- a statement that the Respondent is presumed not responsible for the alleged Prohibited Conduct unless a determination is made at the conclusion of the applicable procedures, after the Parties have had an opportunity to present Relevant (not otherwise impermissible) evidence to a trained, impartial decisionmaker;
- Notice that the Parties have the right to be accompanied by an Advisor of choice, who may be but need not be an attorney;
- information about the alternative resolution process and the applicable procedures under this Discrimination Policy;
- notice that knowingly making false statements or submitting false information is prohibited;
- information about supportive measures;
- a statement regarding the Standard of Evidence to be used in considering the facts and evidence;
- the range of possible Sanctions and Remedies; and
- information about the appeals process.

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

d. Acceptance of Responsibility

At any time prior to the rendering of final written determination by a decisionmaker, the Respondent may indicate that they do not wish to contest the allegations case against them and accept responsibility for all or part of the alleged Prohibited Conduct. If a Respondent accepts responsibility, the Complainant will be notified in writing. The Complainant and Respondent may each submit, respectively, an impact statement or a mitigation statement, which will be reviewed by the decisionmaker to determine Sanctions and/or Remedies. The Parties will thereafter be notified simultaneously of the Sanctions imposed and whether any Remedies will be provided. This decision is not appealable and is final. If the Respondent accepts responsibility for only part of the alleged Prohibited Conduct, the remaining allegations will proceed to the decisionmaker for adjudication, and Remedies and Sanctions for all Prohibited Conduct will be assigned at the conclusion of the matter.

e. Adjudication Process

The Associate Director, in their sole discretion, will appoint a trained decisionmaker to adjudicate the Complaint. The Associate Director may serve as the decisionmaker, may appoint an external party, or may appoint one of the following:

- For Student Respondents: the Dean of Student Life (or their designee)

Interim Policy for the Prevention of Discrimination, Discriminatory Harassment, and Retaliation

Responsible Office: Office of Civil Rights and Title IX

Effective Date: December 22, 2025

- For Faculty Respondents: the Provost designee
- For Staff Respondents: the Associate Vice President of Human Resources (or their designee)

In all cases, the appointed decisionmaker will objectively evaluate all Relevant evidence, both inculpatory and exculpatory, to reach a determination regarding responsibility, consistent with the Standard of Evidence. The decisionmaker 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 determination will not be based on a person's status as a Complainant, Respondent, or witness. The decisionmaker may meet with any Party or any witness, as needed, at the decisionmaker's discretion. All such meetings are private, and any meeting with a Party may include that Party's advisor.

The decisionmaker will only issue Sanctions when the Respondent is found responsible for a violation of this Discrimination Policy. If the appointed decisionmaker is the Associate Director or an external party, that decisionmaker will refer the Complaint to the appropriate designated official to determine Sanctions consistent with these procedures. Those individuals include the Dean of Student Life (or designee) for Student Respondents, the Provost designee for faculty Respondents, or the Associate Vice President of Human Resources (or designee) for staff Respondents. When any of those three individuals have been appointed as decisionmaker, they will determine Sanctions following their determination of responsibility.

The appointed decisionmaker will prepare a written final determination, which will be communicated simultaneously to the Parties, that includes:

- a description of the alleged Prohibited Conduct;
- information about the policy and procedures used to evaluate the allegations;
- the decisionmaker's evaluation of the Relevant (not otherwise impermissible) evidence;
- the determination of whether the Respondent was responsible or not responsible for Prohibited Conduct;
- if responsible, the specific behaviors for which Respondent was found to be responsible;
- the Sanctions imposed and/or other Remedies to be provided (as applicable); and
- appeals information.

The written final determination will generally be issued within ten (10) Days of submission of the matter to the decisionmaker by the Associate Director, but this time period may be extended by the decisionmaker or the Associate Director for good cause.

III. Sanctions; Remedies

The following sanction ranges apply to Prohibited Conduct under this Discrimination Policy. Sanctions can be assigned outside of the specified ranges based on aggravating or mitigating circumstances, or the Respondent's cumulative disciplinary record.

a. Student Sanctions

Sanctions for a Student Respondent who has engaged in Prohibited Conduct could include, but is not limited to:

- Dismissal or expulsion from the College
- Suspension from the College
- Loss of campus housing or other privileges

Interim Policy for the Prevention of Discrimination, Discriminatory Harassment, and Retaliation

Responsible Office: Office of Civil Rights and Title IX

Effective Date: December 22, 2025

- Removal from organization, team, and/or committee
- Revocation of leadership or supervisory position
- Disciplinary probation
- Community service or other work assignments
- Writing assignment or other educational activity
- External program attendance or facilitation
- Verbal or written Warning
- Withholding of diploma and/or transcripts
- Prohibition from participation in Commencement and/or Senior Week activities.
- Other Actions: In addition to, or in place of, the above Sanctions, the College may assign any other Sanctions as deemed appropriate.

b. Employee Sanctions

Sanctions for a faculty or staff member who has engaged in Prohibited Conduct could include, but is not limited to:

- Verbal or written warning
- Performance improvement plan/management process
- Required counseling
- Required training or education
- Extension of a probationary or working test period
- Loss of oversight or supervisory responsibility
- Demotion
- Transfer
- Shift or schedule adjustments
- Reassignment
- Restriction of stipends, research, and/or professional development resources
- Suspension/administrative leave with pay
- Suspension/administrative leave without pay
- Termination
- Other actions: In addition to or in place of the above Sanctions, the College may assign any other Sanctions as deemed appropriate.

The College may continue supportive measures and may also provide Remedies to the Complainant or others, in the event their equal access to the College's education programs and/or activities was determined to have been limited or denied by the Prohibited Conduct.

The final written determination becomes final either on the date that the College provides the Parties with the written appeal determination, or, if no appeal is filed, the date on which an appeal would no longer be considered timely. Any Sanctions and/or Remedies will be implemented at this time.

IV. Appeals

Final written determinations 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 determination regarding responsibility that could affect the outcome of the matter; and/or

Interim Policy for the Prevention of Discrimination, Discriminatory Harassment, and Retaliation

Responsible Office: Office of Civil Rights and Title IX

Effective Date: December 22, 2025

- The Associate Director, investigator, or decisionmaker or panel member(s) had a conflict of interest or bias for or against Complainants or Respondents generally or an individual Party in, and that bias affected the outcome of the matter.

Appeals must be submitted in electronic form to Associate Director within five (5) Days of the date of the final written determination. If the appeal is submitted on the grounds of new evidence, that new evidence should be submitted as part of the appeal. The Associate Director will promptly 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. Any extended time for appeal shall be offered equitably to all Parties but shall not be extended for any Party solely because the other Party filed an appeal. The submission of an appeal stays any Sanctions and/or Remedies for the pendency of the appeal. Supportive measures remain available during the pendency of the appeal.

The Associate Director (or their designee) in their sole discretion, will appoint an external party or a three-person panel comprising the Dean of the College (or their designee), the Provost (or their designee), the Vice President for Finance and Administration (or their designee), or any other trained individual.

The appeal decisionmaker or panel's review will be based only on the written record. The appeal is not an opportunity for a re-investigation or re-determination. The appeal decisionmaker or panel will submit a final written appeal decision, including a rationale, generally within ten (10) Days of receipt of the appeals materials, but this time period may be extended by the appeal decisionmaker, panel, or Associate Director for good cause. The decision will be simultaneously distributed to the Parties.

V. Recordkeeping

There is a seven-year record retention period for:

- Each final written determination under this Policy, including any determination regarding responsibility or appeal.
- Any disciplinary Sanctions imposed on a Respondent.
- Any supportive measures provided to the Parties and any Remedies provided to the Complainant or the community designed to restore or preserve equal access to the College's education program or activity.
- Any alternative resolution and the result therefrom.
- Any other actions taken in response to a Report or Complaint including any measures designed to restore or preserve equal access to the College's education program or activity.

The College will also maintain any and all records in accordance with federal and state laws.

Publication Date: December 22, 2025

Related Resources

College Policies and Documents
Whistleblower Policy
Staff Handbook
Faculty Handbook
Sexual Misconduct Policy

Interim Policy for the Prevention of Discrimination, Discriminatory Harassment, and Retaliation

Responsible Office: Office of Civil Rights and Title IX

Effective Date: December 22, 2025

Contacts

Subject Matter	Office Name	Telephone Number	E-mail/Web Address
Policy Clarification and Interpretation	Office of Civil Rights and Title IX	610.526.7863	ccarr1@brynmawr.edu