

## Saint Mary's College Title IX policy

This Title IX policy applies to all members of the Saint Mary's College campus community, faculty, staff, and students. On August 7, 2020, the Academic Leadership Committee voted that sexual harassment or misconduct by a faculty member that meets the threshold of a Title IX violation, as defined in this policy, shall be adjudicated under this Title IX policy, instead of § III.J.5 of the Governance Manual.

Matters that do not reach the threshold of Title IX sexual harassment as defined by the United States Department of Education as noted in paragraph 6(g) of this policy shall be investigated and, if warranted, disciplined in accordance with the student handbook, the staff administrator handbook or the Governance Manual, as appropriate.

### Title IX Staffing and definitions.

1. All individuals designated by Saint Mary's College as a Title IX Coordinator, investigator, decision-maker, appellate officer, or any person designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. 34 C.F.R. § 106.45 (b)(iii)
2. An employee of the College shall be designated as the Title IX Coordinator in compliance with 34 C.F.R. § 106.8(a). All applicants for admission and employment, students, and employees shall be notified of the name, office address, electronic mail address and telephone number of the Title IX Coordinator and the Deputy Title IX Coordinators. *Id.* The notice shall include Saint Mary's College's procedure for how to report sex discrimination, how to file a formal complaint of sexual harassment, and a description of how Saint Mary's will respond to such a complaint, including a description of Saint Mary's College's grievance procedures and grievance process. 34 C.F.R. § 106.8(c).
3. Any person may report sex discrimination, including sexual harassment, by mail, by telephone, in person, or by electronic mail, at any time, by using the contact information listed for the Title IX Coordinator and the Deputy Title IX Coordinators, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written complaint. 34 C.F.R. § 106.8(a).
4. The information regarding the contact information listed in paragraph 2 of this policy and directing inquiries about the policy to the Saint Mary's College Title IX Coordinator shall be prominently displayed on the Saint Mary's College website on the Admissions and Human Resources pages. A hyperlink to this information shall be included on the applications for admission or employment. 34 C.F.R. § 106.8(b)(1).
5. The Title IX protections apply only to sex discrimination occurring against a person in the United States. 34 C.F.R. § 106.8(d). If a Saint Mary's College student, staff or faculty member is discriminated against because of their sex, or is alleged to have discriminated against someone else because of their sex, while studying or traveling abroad, that matter will be handled pursuant to the sexual harassment policies in the student or employee handbook or the governance manual.
4. Definitions
  - a. *Actual knowledge* means notice of sexual harassment or allegations of sexual harassment received by Saint Mary's College Title IX Coordinator, the President, the Senior Vice President of Academic Affairs, the Vice President of Student Affairs, or the Director of Human Resources. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in paragraph 2 of this policy. 34 C.F.R. § 106.30(a)
  - b. *Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. *Id.*
  - c. *Consent* is a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to

engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.

- d. *Formal complaint* means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Saint Mary's College investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in a Saint Mary's College educational program or activity. A formal complaint may be filed with the Title IX Coordinator or one of the Deputy Title IX Coordinators in person, by mail, or by electronic mail. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- e. *Remedies* are provided to a complainant after a determination of responsibility for sexual harassment has been made against the respondent. Remedies must be designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include the same individualized services described below as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent 34 C.F.R. § 106.45(b)(1)(i);
- f. *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. 34 C.F.R. § 106.30(a)
- g. *Sexual harassment* has been defined by the United States Department of Education as follows: sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
  - (i) An employee conditions the provision of an aid, benefit, or service of Saint Mary's on an individual's participation in unwelcome sexual conduct;
  - (ii) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to Saint Mary's educational programs or activities; or
  - (iii) "Sexual assault" as defined in [20 U.S.C. 1092\(f\)\(6\)\(A\)\(v\)](#), "dating violence" as defined in [34 U.S.C. 12291\(a\)\(10\)](#), "domestic violence" as defined in [34 U.S.C. 12291\(a\)\(8\)](#), or "stalking" as defined in [34 U.S.C. 12291\(a\)\(30\)](#). *Id*

Matters that do not reach the threshold of Title IX sexual harassment as defined by the United States Department of Education as noted in paragraph 6(g) of this policy shall be investigated and, if warranted, disciplined in accordance with the student handbook, the staff administrator handbook or the Governance Manual, as appropriate.

- b. *Supportive measures* means non-disciplinary, non-punitive individualized services offered as appropriate without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. *Id*. Such measures are designed to restore or preserve equal access to the Saint Mary's College's educational programs and activities without unreasonably burdening the other party. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. 34 C.F.R. § 106.44.

### Training

- 7 Saint Mary's College will require Title IX Coordinators, investigators, decision-makers, appellate officers, and any person who facilitates an informal resolution process, receive training on the following:
  - (a) The definition of sexual harassment in paragraph 6(g) of this policy; 34 C.F.R. § 106.45 (b)(1)(iii).
  - (b) The scope of Saint Mary's College educational programs and activities *Id*;
  - (c) how to conduct an investigation *Id*;
  - (d) how to conduct the grievance process including hearings, appeals, and informal resolution processes, as applicable *Id*; and
  - (e) how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. *Id*.

- f. Saint Mary's College will provide training to decision-makers on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. *Id.*
- g. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment. *Id.*

#### Actual knowledge

- 8. When there is actual knowledge by one of the officials listed in paragraph 6(a) of sexual harassment in a Saint Mary's College educational program or activity, Saint Mary's College shall respond promptly in a manner that is not deliberately indifferent. 34 C.F.R. § 106.44(a). A Saint Mary's College educational program or activity includes locations, events, or circumstances over which Saint Mary's College exercises substantial control over both the respondent and the context in which the sexual harassment occurred. *Id.*

#### Supportive Measures

- 9. Saint Mary's College shall treat complainants and respondents equitably by offering supportive measures as defined in paragraph 6(h) of this policy to both complainant and respondent. The Title IX Coordinator or one of the Deputy Title IX Coordinators must promptly contact the complainant to discuss the availability of supportive measures as defined in paragraph 6(h) of this policy, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. *Id.*

#### Intake and Processing of formal complaints of sexual harassment

- 10. Saint Mary's College acknowledges that the response to a complaint of sexual harassment must treat both complainants and respondents fairly and that failure to do so may constitute discrimination on the basis of sex under Title IX. 34 C.F.R. § 106.45(a).
- 11. Upon receipt of a formal complaint, as defined in paragraph 6.d. of this policy, Saint Mary's College shall provide in writing to known parties:
  - (a) Saint Mary's College's grievance process, including any informal resolution process. 34 C.F.R. § 106.45(b)(2)(A).
  - (b) Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in paragraph 6(g) of this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. 34 C.F.R. § 106.45(b)(2)(B).
  - (c) The written notice shall state that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. *Id.*
  - (d) The written notice must inform the parties:
    - (i) that they may have an advisor of their choice, who may be, but is not required to be, an attorney; that the parties may inspect and review the evidence obtained in the investigation at a time and location on campus convenient for each party.
    - (ii) that Saint Mary's College code of student conduct that prohibits knowingly providing false information to any College official, faculty, or staff member;
    - (iii) that if Saint Mary's increases the scope of the investigation beyond what was included in the original notice, known parties will be provided with notice of the additional allegations. 34 C.F.R. § 106.45(b)(2)(B)
- 12. Saint Mary's may consolidate formal complaints that arise out of the same facts or circumstances. 34 C.F.R. § 106.45(b)(4).

#### Investigation of a formal complaint.

13. Mary's College shall make good faith efforts to complete Title IX investigations within sixty (60) days of actual knowledge of a complaint.
14. If the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant and must comply with the requirements regarding bias or conflict of interest found in § 106.45(b)(1)(iii).
15. When investigating a formal complaint and throughout the grievance process, Saint Mary's College shall:
  - (a) Have the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility. 34 C.F.R. § 106.45(b)(5)(i).
  - (b) Not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party gives voluntary, written consent to do so for a Title IX grievance process. *Id.*
  - (c) Not require, allow, rely upon or otherwise use questions or evidence that seeks disclosure of legally recognized privilege, unless the person holding the privilege has waived the privilege. 34 C.F.R. § 106.45(b)(1)(x).
  - (d) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. 34 C.F.R. § 106.45(b)(5)(ii).
  - (e) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. 34 C.F.R. § 106.45(b)(5)(iii).
  - (f) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding. 34 C.F.R. § 106.45(b)(5)(iv).
  - (g) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. 34 C.F.R. § 106.45(b)(5)(v).
  - (h) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which Saint Mary's College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. 34 C.F.R. § 106.45(b)(5)(vi).
  - (i) Prior to completion of the investigative report, send to each party and the party's advisor, if any, the evidence subject to inspection and review in hard copy; the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. *Id.*
  - (j) Any evidence that contains sensitive information or evidence that would embarrass or humiliate someone were it disseminated or circulated shall be provided to the parties with a watermark with the receiving party's name. with the
  - (k) Make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination. 34 C.F.R. § 106.45(b)(5)(vi).
  - (l) Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. 34 C.F.R. § 106.45(b)(5)(vii).
16. If, at the conclusion of the investigation of a formal complaint, it is determined that the conduct alleged
  - (a) does not constitute sexual harassment as defined by the United States Department of Education and noted in paragraph 6(g) of this policy, even if proved;
  - (b) did not occur in the recipient's education program or activity, even if proved; or
  - (c) did not occur against a person in the United States, even if proved,Saint Mary's College shall dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under title IX; such a dismissal does not preclude action under Saint Mary's College code of conduct. 34 C.F.R. § 106.45(b)(3)(i).

Matters that do not reach the threshold of Title IX sexual harassment as defined by the United States Department of Education as noted in paragraph 6(g) of this policy shall be investigated and, if warranted, disciplined in accordance with the student handbook, the staff administrator handbook or the Governance Manual, as appropriate.

17. Saint Mary's College may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing:
  - (a) The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - (b) The respondent is no longer enrolled or employed by Saint Mary's College; or
  - (c) Specific circumstances prevent Saint Mary's College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. 34 C.F.R. 106.45(b)(3)(ii).
18. Upon a dismissal required or permitted pursuant to paragraphs 16 or 17 of this policy, Saint Mary's College shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. 34 C.F.R. § 106.45(b)(3)(iii).

#### Grievance Hearings

19. Hearings shall be convened within thirty (30) days after the results of the investigation are delivered to the parties.
20. Saint Mary's grievance hearings for Title IX matters will be live with all parties physically present in the same geographic location. At the request of either party, Saint Mary's College will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. 34 C.F.R. 106.45(b)(6)(i).
21. If a party does not have an advisor present at the live hearing, Saint Mary's College will provide, gratis, an advisor, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. *Id.*
22. At the live hearing, the decision-maker(s) 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. *Id.*
23. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. *Id.*
24. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. *Id.*
25. Saint Mary's College will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. *Id.*
26. The decision-maker(s), cannot be the same person(s) as the Title IX Coordinator, the Deputy Title IX Coordinator(s) or the investigator(s). 34 C.F.R. 106.45(b)(7)(i). The decision-maker must issue a written determination regarding responsibility. *Id.* To reach this determination, decision maker must apply the preponderance of the evidence standard of evidence.
27. The decision-maker(s) shall objectively evaluate all relevant evidence, both inculpatory and exculpatory. 34 C.F.R. § 106.45(b)(1)(ii).
28. The decision-maker(s) shall not make credibility determinations based on a person's status as a complainant, respondent, or witness. *Id.*
29. The decision-maker(s) shall presume that the respondent is not responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the hearing. 34 C.F.R. § 106.45(b)(1)(iv).

30. The written determination must be completed and delivered to the parties within ten (10) days after the hearing concludes and shall include:
  - (a) Identification of the allegations potentially constituting sexual harassment as defined in paragraph 6(g) of this policy. 34 C.F.R. § 106.45(b)(7)(ii)(A).
  - (b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held. 34 C.F.R. § 106.45(b)(7)(ii)(B).
  - (c) Findings of fact supporting the determination. 34 C.F.R. § 106.45(b)(7)(ii)(C).
  - (d) Conclusions regarding the application of the recipient's code of conduct to the facts. 34 C.F.R. § 106.45(b)(7)(ii)(D).
  - (e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions Saint Mary's College will impose on the respondent, and whether remedies designed to restore or preserve equal access to Saint Mary's College educational program or activity will be provided to the complainant. 34 C.F.R. § 106.45(b)(7)(ii)(E). The Title IX Coordinator is responsible for effective implementation of any remedies. 34 C.F.R. § 106.45(b)(7)(iv).
  - (f) Saint Mary's College' procedures and permissible bases for the complainant and respondent to appeal. 34 C.F.R. § 106.45(b)(7)(ii)(F).
31. Saint Mary's College will provide the written determination to the parties simultaneously. If no appeal is filed, the determination regarding responsibility becomes final on the date on which an appeal would no longer be considered timely. 34 C.F.R. § 106.45(b)(7)(iii).

#### Sanctions and Discipline

32. There must be a finding that the respondent is responsible for sexual discrimination in a formal grievance proceeding before the imposition of any disciplinary sanctions, or other actions that are not supportive measures as defined by paragraph 6(h) of this policy, can be imposed against a respondent.
33. (a) A student respondent found responsible for sexual discrimination may be subject to the sanctions outlined in the Saint Mary's College Student Code of Conduct. 34 C.F.R. § 106.45(b)(1)(ix).  
 (b) An employee respondent found responsible for sexual discrimination may be subject to the sanctions in the Saint Mary's Employee Handbook. 34 C.F.R. § 106.45(b)(1)(ix).

#### Emergency Removal from Campus

34. Notwithstanding paragraph 32 of this policy, Saint Mary's College may remove a respondent from the educational program or activity on an emergency basis, if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of a student or other individual arising from the allegations of sexual harassment justifies an emergency removal. The respondent shall be given notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. 34 C.F.R. § 106.44(c).
35. Notwithstanding paragraph 32 of this policy, Saint Mary's College may place a non-student employee on administrative leave during the pendency of a grievance process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. 34 C.F.R. § 106.44(d).

#### Appeals

36. Appeals must be filed within 10 days after receipt of the written determination of the hearing officer(s).
37. Either party may appeal from a determination regarding responsibility, and from Saint Mary's Colleges' dismissal of a formal complaint or any allegations therein, on the following bases:
  - (a) Procedural irregularity that affected the outcome of the matter; 34 C.F.R. 106.45(b)(8)(i)(A);
  - (b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; 34 C.F.R. 106.45(b)(8)(i)(B); or
  - (c) The Title IX Coordinator, Deputy Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. 34 C.F.R. 106.45(b)(8)(i)(C).

38. When a party files an appeal, Saint Mary's College shall:
- (a) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties 34 C.F.R. 106.45(b)(8)(iii)(A);
  - (b) The appellate officer for Title IX appeals shall be the Vice-President for Student Affairs for student respondents; the Senior Vice-President and Provost for faculty respondents; and the Vice-President for Strategy and Finance for staff respondents. 34 C.F.R. 106.45(b)(8)(iii)(B). These appellate officers shall recuse themselves in the event of a conflict of interest or bias. 34 C.F.R. 106.45(b)(8)(iii)(C).
  - (c) Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome 34 C.F.R. 106.45(b)(8)(iii)(D);
  - (d) Issue a written decision describing the result of the appeal and the rationale for the result 34 C.F.R. 106.45(b)(8)(i)(E); and
  - (e) Provide the written decision simultaneously to both parties. 34 C.F.R. 106.45(b)(8)(i)(F). The appeals determination is final upon delivery to the parties. 34 C.F.R. § 106.45(b)(7)(iii).

#### Informal Resolution

39. Saint Mary's College shall not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with the Title IX regulations. 34 C.F.R. 106.45(b)(9)
40. After a formal complaint is filed but prior to reaching a determination regarding responsibility Saint Mary's College may offer an informal resolution process, such as mediation, that does not involve a full investigation and adjudication *Id.*, provided that the parties receive a written notice disclosing:
- (a) The allegations 34 C.F.R. 106.45(b)(9)(i)
  - (b) The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; *Id.*
  - (c) That at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; *Id.*
  - (d) Any consequences that could result from participating in the informal resolution process, including the fact that the records that will be maintained or could be shared in the informal resolution process. *Id.*
  - (e) Saint Mary's College must obtain the parties' voluntary, written consent to the informal resolution process. 34 C.F.R. 106.45(b)(9)(ii)
41. Saint Mary's College shall not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. 34 C.F.R. 106.45(b)(9)(iii)

#### Recordkeeping

42. Saint Mary's College shall maintain for seven years records of:
- (a) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required by paragraph 25 of this policy, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity 34 C.F.R. 106.45(b)(10)(i)(A);
  - (b) Any appeal and the result therefrom 34 C.F.R. 106.45(b)(10)(i)(B);
  - (c) Any informal resolution and the result therefrom 34 C.F.R. 106.45(b)(10)(i)(C); and
  - (d) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. Saint Mary's shall make these training materials publicly available on the website. 34 C.F.R. 106.45(b)(10)(i)(D).
43. Saint Mary's College shall create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, Saint Mary's College must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to Saint Mary's educational programs or activities. If a complainant is not provided with supportive measures, Saint Mary's must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit Saint Mary's from providing additional supportive measures in the future or from detailing additional measures taken. 34 C.F.R. 106.45(b)(10)(ii).

