

TITLE IX/SEXUAL MISCONDUCT PROCEDURES AND GUIDELINES:**(A) Introduction**

Owens Community College (the College) is committed to providing safe and dignified learning environments that are free from sexual misconduct, sexual harassment, and sexual assault and its harmful effects. The College prohibits all forms of sexual harassment (including sexual violence) and sex discrimination in its operations as stated in College's Anti-discrimination and Harassment Policy (https://www.owens.edu/trustees/board_policies/11-4-17.pdf) and further specified in this procedure.

The College strictly prohibits and will not tolerate harassment, discrimination, intimidation, or hostile/offensive working or learning environments (which includes educational programs and activities locally, or during College-sponsored events or travel away from the College). Any person, regardless of gender, can be a target of sexual misconduct.

The College seeks to educate students, faculty, and staff about these issues and provide a means of recourse for those who believe they have experienced such behavior. The College reserves the right to respond with whatever measures it deems appropriate to prevent sexual misconduct and preserve the safety and well-being of its students and employees.

(B) Scope

The College's prohibition against sexual misconduct encompasses a wide range of behaviors including, but not limited to, sexual harassment, sexual assault, intimate partner violence, and stalking. In addition, the College prohibits any discrimination based on sex, including biological sex, pregnancy related conditions and non-conformity to gender/sex stereotypes. The policy applies to all students, employees, and third-party vendors on campus (i.e., Toledo-area campus, Findlay campus, Downtown Learning Center) including visitors or guests on campus to the extent that there is an allegation of harassment or discrimination made by them against College students or employees.

Such prohibition extends to off campus conduct or the online/virtual environment if the conduct is in connection with College operations or a College-sponsored program and poses an obvious and serious threat of harm to students and employees, or may have the effect of creating a hostile work and/or educational environment.

(C) Prohibited Conduct

- (1) **Sexual harassment-** Unwelcome sexual advance(s), request(s) for sexual favor(s), or other verbal or physical conduct of a sexual nature that is severe, persistent or pervasive and objectively offensive.
- (3) **Sex Discrimination-** Negative or adverse treatment based on sex, sexual orientation, gender or gender identity.
- (4) **Sex Offense-** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- (a) Rape- The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - (b) Fondling- The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because his/her temporary or permanent mental incapacity.
 - (c) Incest- Nonforcible sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.
 - (d) Statutory Rape- Nonforcible sexual intercourse with a person who is under the statutory age of consent.
- (5) **Intimate Partner Violence (Domestic or Dating Violence)**-Pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. This violence can be physical, sexual, emotional, economic, or psychosocial actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Intimate partner violence can include in domestic relationships or dating relationships.
- Domestic Relationships would be:
 - A current or former spouse or intimate partner of the victim.
 - A person with whom the victim shares a child in common.
 - A person who is cohabitating with or who has cohabitated with the victim as a spouse or intimate partner.
 - A person similarly situated to a spouse of the victim.
 - Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
 - Dating Relationships would be:
 - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - The existence of such a relationship shall be determined based on the reporting party's statement with consideration of the length of relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (6) **Stalking**- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

For the purpose of this definition-

- (a) "Course of conduct" means two or more acts, including but not limited to, acts in which the stalker directly, or indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils,

threatens, or communicates to or about, a person, or interferes with a person's property.

(b) "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(c) "Reasonable person" means one under similar circumstances with similar identities to the victim.

(7) **Hostile environment** - Unwelcome conduct of a sexual nature that unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from education or employment programs.

(8) **Intimidation**- Conduct that threatens, intimidates, harasses, or endangers the health of a person, or causes reasonable apprehension of such harm or threat.

(9) **Retaliation**- Action taken by a person against a person who has sought relief under this procedure. Examples include academic or employment reprisal against an individual who files a complaint or third-party report, or otherwise participates in the investigative and/or disciplinary process. The prohibition against retaliation extends to any person who opposes acts of harassment or discrimination or who testifies, assists, or participates in any manner in an investigation, proceeding, or hearing relative to harassment or discrimination.

Any student or employee who is determined to have engaged in conduct in violation of retaliation will be subject to appropriate disciplinary action, up to and including suspension or expulsion (in the case of a student) or termination (in the case of an employee) in accordance with the Student Code of Conduct or applicable employee policies or handbooks.

(D) Definitions

Consent- Permissible sexual conduct requires consent. An individual cannot consent who is incapacitated by any drug or intoxicant; or who has been compelled by force, threat of force, or deception; or if the responding party substantially impairs the victim/survivor's judgment or control by administering any drug, intoxicant or controlled substance to the other person surreptitiously or by force, threat of force, or deception; or who is unaware that the act is being committed; or whose ability to consent is impaired because of a mental or physical condition; or who is coerced by supervisory or disciplinary authority. Consent may be drawn at any time. Prior sexual activity or relationship does not, in and of itself, constitute consent.

Incapacitation- a mental state in which an individual cannot make rational decisions because they lack the capacity to give knowing consent. Such incapacitation may be caused by alcohol or other drug use, sleep or unconsciousness, or physical or mental impairment.

Preponderance of Evidence-the standard of evidence used to determine whether a violation has occurred and means "more likely than not."

Reporting Party- The individual who is the recipient of unwelcome behavior which is outlined in the Title IX/Sexual Misconduct Procedures and Guidelines.

Responding Party- The individual who is facing an accusation of violation of the Title IX/Sexual Misconduct Procedures and Guidelines.

Responsible Employee- An employee of the College who has been appropriately trained and has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or other misconduct by students to the Title IX Coordinator or other appropriate designee; or whom a student could reasonable believe has this authority or duty. The Director of Student Life and Student Conduct/Title IX Coordinator, Officers within the Department of Public Safety and all Vice Presidents, Deans, Chairs, Directors, Department Heads, Student Organization Advisors, Academic Advisors, Career and Transfer Advisors, Oserve Advocates, admissions staff, human resources staff, and Athletic Coaches have been designated as “Responsible Employees.” Responsible employees are required immediately to report to the Title IX Coordinator incidents of sexual misconduct.

Clery Act/Campus Security Authorities- Campus Security Authorities are individuals identified on campus that are requires to report certain criminal offenses (murder/non-negligent manslaughter, sex offenses- both forcible and non-forcible, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, hate crimes, drug violations, illegal weapons possession, domestic violence, dating violence and/or stalking) to the Department of Public Safety when made aware. These statistics are published in the Owens Annual Security Report. The Clery Act defines a Campus Security Authority (CSA) as “an official of an institution who has significant responsibility for student and campus activities, including to but not limited to, student discipline, and campus judicial proceedings. Primary CSAs at Owens are defined as employees within the Department of Public Safety (police officers, dispatchers, Chief, etc.) Manager of Workplace Safety and Health Services, Director of Student Conduct and Student Life/Title IX Coordinator, Athletic Director, Downtown Learning Center Director, and the Findlay-area campus Executive Director.

(E) Title IX Office

- (1) The College has an appropriately trained **Title IX Coordinator** and **Deputy Title IX Coordinators** (also referred to as a Title IX Investigator in these Procedures and Guidelines) who are responsible for the prompt, thorough, reliable and impartial investigation of reports and allegations of sexual misconduct by students and employees. The Title IX Coordinator/Deputy Title IX Coordinator is free from any conflict of interest and will conduct a fact-finding process and effectuate steps to reasonably end any sexual misconduct, discrimination, or violence in accordance with this procedure and the College’s Anti-discrimination and Harassment Policy: 3358:11-4-17

Title IX Office:
Toledo-Area Campus: Room 158, College Hall
Findlay-Area Campus: Room 112Q, Education Center
(567) 661-7159
titleIX@owens.edu

Title IX Coordinator:
Danielle Filipchuk
Director, Student Life and Title IX
Toledo Campus
Room 158, College Hall
(567)661-7790
danielle_filipchuk@owens.edu

Deputy Title IX Coordinator for Students:
James Katzner
Manager, Student Life
Findlay Campus
112Q, Education Center
(567)429-3029
james_katzner@owens.edu

Deputy Title IX Coordinator for Employees:
Lorraine Stiefel
Manager, Workplace Safety and Health Services
Toledo Campus
Room 249, Administration Hall
(567)661-7711
lorraine_stiefel@owens.edu

(F) Employee Expectations

Ohio law requires all employees with knowledge of a felony to report it to law enforcement. All college personnel shall report conduct prohibited by the College's Anti-Discrimination and Harassment Policy and this Title IX/Sexual Misconduct procedure to the Title IX Office or other Responsible Employee.

(G) Assistance following an Incident of Sexual Misconduct

The following resources are available to any victim of sexual misconduct that occurs both on- or off-campus.

- (1) Immediate Danger- In the event a student or employee is in immediate danger, call:
- 9-1-1, or
 - Department of Public Safety:
 - Toledo campus (Alumni Hall)- (567)661-7575
 - Findlay campus (Public Safety Building)- (567)429-3586

- Local police departments:
 - Toledo campus- Perrysburg Township Police (419) 874-3551
 - Findlay campus- Findlay City Police (419) 424-7150
 - Downtown Learning Center- Toledo Police Department 9-1-1
- (2) Medical treatment and Evidence Preservation- students and employees seeking medical treatment should go to the nearest hospital. For the preservation of evidence in the event of a sexual assault, the following guidelines are recommended:
- Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim's home, the victim should not clean until the police have had an opportunity to collect evidence.
 - Tell someone all details remembered about the assault. Write down all details remembered as soon as possible.
 - Do not bathe or douche. Do not urinate, if possible.
 - Do not eat, drink liquids, smoke or brush teeth if oral contact took place.
 - Keep the clothes worn during the offense. If clothes are changed, place clothes in a paper bag (evidence deteriorates in plastic).
 - Get prompt medical attention at a local hospital.
 - Crisis Management Resources.
- (3) Counseling Services- Services are available to all students and can be accessed by calling (567) 661-7168. Counseling Services provides:
- Crisis support
 - Confidential student consultation, mental health assessment, counseling, education, prevention, outreach, and linkage to community resources
 - Referrals to community agencies for support and guidance depending on the student's desire for additional help, staff capacity, and health insurance available for the student
- (4) YWCA Representative- Services from our on-campus community partner, the YWCA is available to all students, faculty and staff. The YWCA representative can be reached by contacting the YWCA HOPE Center 24/7 Hotline at (866)557-7273 to be connected with a campus advocate. The representative has limited hours but will accommodate any needs. The YWCA Representative provides:
- Crisis support
 - Confidential advising to services, support, and processes both at the College and in the community.
 - Assistance with the legal options, the College's Title IX process and/or the discipline process which may include preparations, attendance during interviews or, etc.
- (5) Employee Assistance Program (EAP)- Services are available to all full-time employees and can be accessed through the intranet by going to "Human Resources" and then "Benefits," or by calling (800) 854-1446 or (800) 999-3004 TTY/TDD. The EAP provides:

- Confidential online resources
- Confidential online and in-person counseling sessions (related to life, family, and health crises involving stress and depression)
- Advice and counseling from nurses and other medical professionals

(6) Community Crisis Resources

- Sexual Violence Program of the Cocoon- (419) 352-1545 (Wood County)
- YWCA H.O.P.E. Center- (866) 557-7273 (Lucas County)
- Open Arms Crisis Center- (419) 422-4766 (Hancock County)
- National Sexual Assault Hotline- (800) 656-HOPE (4763)

(7) Visa and Immigration Status- To assist a student with visa and immigration status, please contact International Student Services at (567) 661-7510.

(8) Student Account- For questions regarding your student account, which includes financial aid, please contact Oserve at (567) 661-7378.

(9) Distressed Person Response Guide- To assist a person in distress, please refer to the Distressed Person Response Guide which can be accessed at:
<https://www.owens.edu/conduct/distress.html>

(10) Legal Assistance- Legal Aid of Western Ohio, Inc. provides legal services to those recovering from domestic violence, sexual assault, and stalking. Legal Aid of Western Ohio, Inc. can be reached at (419) 724-0460 (Lucas County); (419) 425-5745 (Hancock County); toll-free at (888) 534-1432; or online at www.legalaidline.org

(11) Protection Orders- Owens Department of Public Safety, 911 (emergency) or (567) 661-7575, Legal Aid of Western Ohio, (888) 534-1432 and the Title IX Coordinator are all available to assist students or employees in obtaining a College no contact order, court-issued restraining order or other lawful protection.

(H) Reporting Sexual Misconduct- Any person who believes they have been a victim of sexual misconduct is strongly encouraged to seek relief by reporting the complaint through any of the following reporting or alternative options. Third party witnesses are also strongly encouraged to utilize any of the following options. There are no time limitations in which a complaint can be filed. In response to a report of sexual misconduct, the College will make every effort to protect the privacy of all parties involved. Information relating to the report of sexual misconduct will be shared only as required by law or under College policy.

(1) College Complaint- Actions reported through the College complaint process will be reviewed to identify violations of Anti-discrimination and Harassment Policy and this associated sexual misconduct procedure as well as potential violations of other College policies and procedures (Student Code of Conduct, Workplace Violence, etc.). Investigations will occur when the College has control over the responding party and control over the context of the harassment.

The College will not delay its investigation pending an outcome of any criminal investigation. Students and employees may initiate a College complaint with or without pursuing criminal charges. The reporting party may request that an investigation not be

initiated; the College will strive to honor this request unless it is determined that the allegations may pose a possible threat to the safety of the College community.

The College reserves the right to investigate circumstances that may involve sexual misconduct in situations where no complaint, formal or informal, is filed.

All College proceedings are conducted in accordance with the requirements of Title IX, the Clery Act, the Violence Against Women act, Family Educational Rights and Privacy Act (FERPA), state and local law, and College policy. No information, including the identity of the parties will be released from such proceedings except as required or permitted by law or College policy.

To Initiate a College Complaint:

- (a) Complete and submit an online Incident Reporting Form at

<https://publicdocs.maxient.com/incidentreport.php?OwensCC>

(Available 24 hours a day). OR

- (b) Report to a designated Responsible Employee: All Responsible Employees are identified by a round teal Responsible Employee sticker on his/her office door.

Director, Student Life and Title IX
(Room 158, College Hall)-(567) 661-7970
danielle_filipchuk@owens.edu

Officers within the Department of Public Safety-(567) 661-7575

Any Vice President, Dean, Chair, Director, Department Head, Academic Advisor, Career and Transfer Advisor, Oserve Advocate, admissions staff, human resources staff, Student Organization Advisor, or Athletic Coaches.

- (2) Criminal Complaint- Actions reported in a criminal complaint process will be reviewed to identify violations of the Ohio Revised Code and follow the process of the applicable jurisdiction with regard to determination and investigation of criminal charges. The Title IX Coordinator reviews the public crime log from the Department of Public Safety on a regular basis for possible violations of Title IX. Note: reporting to law enforcement does not require that criminal charges be pursued.

In some circumstances there is a duty to report allegations of criminal conduct to law enforcement authorities. Section 2921.22 of the Ohio Revised Code requires any individual who knows that a felony has been or is being committed, to report it to law enforcement authorities. If the complaint contains sufficient detailed information about conduct that may constitute a crime, the matter will be reported to the Owens Police Department of Public Safety.

To Initiate a Criminal Complaint:

- (a) Call 9-1-1, OR
(b) Report to the College Department of Public Safety

Toledo campus (Alumni Hall)- (567) 661-7575

Findlay campus (Public Safety Building)- (567) 429-3586

Note: If incident did not occur on College-controlled property or at College-sponsored event, report to local law enforcement. If the reporting party files a report with off-campus law enforcement and the incident creates an impact on campus, a College Complaint should be initiated.

- (3) Confidential alternatives to Criminal or College Complaint- A confidential report will not result in a report to law enforcement or a College investigation.
- (a) Counseling Services- Information can be shared confidentially with licensed counselors- (567) 661-7168.
 - (b) Employee Assistance Program (EAP)- Information can be shared through the EAP by calling 1(800) 854-1446.
 - (c) YWCA Representative- Information can be shared confidentially. The YWCA representative can be reached by contacting the YWCA HOPE Center 24/7 Hotline at (866)577-7273 to be connected with a campus advocate.
 - (d) Anonymous Reporting/Silent Witness Option- Victims or witnesses can report crimes confidentially using the Silent Witness Form at: <https://www.owens.edu/dps/silent/html>. Victims or witnesses can report non-criminal complaints (involving a violation of the College Title IX/Sexual Misconduct Procedures and Guidelines) confidentially (by not providing any identifying information) using the Incident Reporting Form at: <https://publicdocs.maxient.com/incidentreport.php?OwensCC>. Such reports can be helpful in initiating remedial measures for the campus community at-large even in the absence of an investigation. Additionally, if enough information is give to determine a crime has occurred, such crime(s) will be reported as an occurrence within the publically-distributed Annual Crime Statistics for the College.
- (I) Interim Measures and Support- Interim measures and support are available to the parties involved in reported sexual misconduct cases. Upon receipt of a report or complaint of sexual misconduct, the Title IX Office will provide and/or impose interim support and reasonable support to the involved regardless as to whether the alleged sexual misconduct occurred on- or off-campus or regardless as to whether or not the allegations have been reported criminally. The Title IX Office will determine the necessity and scope of any interim measures.

Support is intended to help the reporting party to cope and recover and reasonable support can be offered even if a person chooses not to pursue a College investigation or criminal charges.

A student, faculty or staff member seeking such interim measures or support should contact the Title IX Office, who will coordinate requests.

The Title IX Office may impose any remedy that can be tailored to the involved parties to achieve goals of this policy, even if not listed here. The range of interim measures and support may include:

- (1) No Contact Order- An involved party may request, or the College may impose, communication and contact restrictions to prevent further potentially harmful

- interaction. These communication and contact restrictions generally preclude any individual, telephone, electronic or third party communications. The College may also limit an individual access to certain College facilities or activities as part of the order.
- (2) Academic and/or Employment Modifications- An involved party may request an academic or employment modification after a report of sexual misconduct. An individual who requests support in changing their academic or employment situation after an alleged incident of sexual misconduct will receive appropriate and reasonable available support as determined by the Title IX Office. These may include:
 - (a) Academic modifications, including a change in class schedule, taking an incomplete, an administrative drop from a course, attending a class via electronic, remote or other alternative means, providing an academic tutor, or extending deadlines for assignments;
 - (b) Change in work assignment or schedule;
 - (c) Providing an escort to ensure safe movement between classes and activities.
 - (3) Emotional Support- The College will assist in providing referral to on- or off-campus agencies or providers. Such support is available to any member of the College community.
 - (4) Interim Separation/Administrative Leave- When a report of sexual misconduct indicates that there may be an ongoing risk of harm to the safety or well-being of an individual or members of the campus community, the College may place an individual on interim suspension or impose leave for an employee. Pending resolution of the complaint, the individual may be denied access to campus. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.
- (J) Confidentiality, Privacy and Amnesty
- (1) Privacy- Information shared during information gathering and/or investigation will only be shared with need to know parties.
 - (2) Confidentiality- If a reporting party requests confidentiality, this may impact the College's ability to fully investigate and respond in pursuing disciplinary action against the responding party.
 - (3) Amnesty- The Office of Student Conduct grants amnesty to students who may have violated alcohol and/or drug provisions of the College's student Code of Conduct at the same time of the incident when he or she became a victim of sexual assault. Therefore, no alcohol or drug charges are applied to a student who reports that he or she was under the influence of alcohol or drugs at the time of a sexual assault.
- (K) Assessment/Investigation
- (1) Upon receipt of the complaint, before action is taken, the Title IX Investigator will meet with the reporting party to explain options and rights.
 - (2) The Title IX Investigator will assess allegations to determine appropriate next steps with the reporting party. Possible next steps may include:
 - a. At the request of the reporting party, a documentation only where a report is taken but no investigation is conducted. Please note, this request is not an option in complaints regarding sexual violence.

- b. At the request of the reporting party, an informal resolution which may include an investigation (if needed). Please note, this request is not an option in complaints regarding sexual violence.
 - c. At the request of the reporting party, an investigation with formal adjudication and sanctions if there is a preponderance of evidence of a violation of these procedures and guidelines.
- (3) If an investigation is deemed appropriate, the Title IX Investigator is responsible for the thorough, reliable, and prompt investigation of allegations of sexual misconduct. The Title IX Investigator identifies and addresses any patterns or systemic problems that are identified during the review of such complaints.
- (4) The following steps will normally be taken in an investigation:
- (a) Notice will be provided to the reporting party and responding party that an investigation is in progress.
 - (b) Interim measures to prevent continued discrimination or harassment will be considered and implemented during the investigation period, as deemed appropriate.
 - (c) Relevant witnesses, including the reporting party and responding party, and all first-hand witnesses will be identified and separately interviewed. Timely notice will be provided to the parties involved of the interviews including the date, time, and location of the interview. The parties (reporting party and responding party) will have the opportunity to provide names of witnesses. No questioning regarding the reporting party's prior sexual conduct with anyone other than the responding party will be allowed.
 - (d) Parties will be permitted to bring a support person, but the support person will not be able to participate directly in the investigation.
 - (e) Parties will be permitted to present relevant evidence to the investigator. It is the expectation of the investigator that parties are truthful and forthright with providing information and will not withhold or omit information.
 - (f) Confidentiality concerns and the College's prohibition on retaliation will be discussed with the reporting party and responding party, and all witnesses.
 - (g) Any involved party will be asked to review the summary of information compiled by the Title IX Investigator which will include a summary of his/her statements provided during the investigation to ensure accuracy of documentation.
- (5) Upon a complaint being filed, the College will work to complete its investigation in a timely matter. The investigation and resolution (including appeal) of all complaints or reports will generally be completed within 60 days. In the event that the investigation is to exceed sixty (60) days, the investigator will contact the parties to inform them of the delay.
- (6) For the purpose of review, evidence provided (i.e., copies of emails, social media printouts, audio recordings, video recordings, etc., if supplied) will remain with the working notes in the Title IX Investigator's office. The documents will be in a secure location and will be maintained as required by the Records Retention Procedures.
- (7) The Title IX Investigator is a neutral party who examines the facts as presented as a part of the investigatory process. No bias will occur in the evaluation of information. All parties and witnesses are obligated to timely provide the investigator with all of the

information and documentation available, to help the College in conducting the investigations. Failure to comply honestly when providing information or to omit information will be addressed through appropriate discipline.

- (8) An investigative summary will be made by the Title IX Investigator. The Title IX Investigator will complete a written report with a summary of the investigation and evidence and will determine if there is a preponderance of evidence there was a violation of these procedures. The summary of the findings will be provided to both parties.
- (L) Adjudication- The written summary of factual findings by the Title IX Investigator will be forwarded to the appropriate department for further adjudication based on the preponderance of the evidence.
- (1) For findings regarding a responding **student**, the Office of Student Conduct will review the Title IX Investigator's findings and if a preponderance of evidence is found to support the Complaint, the findings will be adjudicated through the Student Code of Conduct. The reporting party, responding party, and any other appropriate officials will be provided equal and timely access to the information that will be used during the proceedings. Evidence will be provided in advance to the involved parties and procedures will be followed as outlined in the Student Code of Conduct handbook. Timely notice will be provided to involved parties of the proceedings including date, time, and location of the proceeding. During the proceedings, the reporting party and responding party and other relevant parties may be present and reasonable support will be provided to ensure safety and/or confidentiality.
 - (2) For findings regarding a responding **employee**, Human Resources will review the Title IX Investigator's findings, conduct any additional investigation deemed necessary pursuant to College policies and procedures, and if a preponderance of evidence is found to support the Complaint, a pre-disciplinary meeting will be scheduled, where the responding party and their supervisor (if applicable) will have the opportunity to provide any additional information. The College also acknowledges its obligation to abide by the terms of all current collective bargaining agreements and will ensure those terms are met when applicable. The reporting party and responding party, and any other appropriate officials will be provided equal and timely access to the information that will be used during the proceedings. Timely notice will be provided to involved parties of the proceedings including date, time, and location of the proceeding. During the proceedings, the reporting party and responding party and other relevant parties may be present and reasonable support will be provided to ensure safety and/or confidentiality.
 - (3) For findings regarding a responding **vendor**, contractor, subcontractor, or others doing business with the College, the Executive Director for Operations will review in accordance with the third party contract and all applicable College policies and procedures to determine whether the conduct is actionable and/or an appropriate sanction is warranted. The reporting party and responding party and any other appropriate officials will be provided equal and timely access to the information that will be used during the proceedings. Timely notice will be provided to involved parties of the proceedings including date, time, and location of the proceeding. During the

proceedings, reporting party and responding party and other relevant parties maybe present and reasonable support will be provided to ensure safety and/or confidentiality.

(M) Sanctions

- (1) Student sanctions- Sanctions for violations of the College's Anti-discrimination and Harassment Policy and the associated sexual misconduct procedure by a student will be imposed in accordance with the College's Student Code of Conduct. If during a student conduct hearing, the alleged student is found responsible, the extent of sanctions will be determined by the Student Conduct Hearing Board.
- (2) Employee Sanctions- Sanctions for sexual misconduct by an employee will be imposed in accordance with the College's Standards of Conduct/Disciplinary Process policy and/or disciplinary provisions of the applicable collective bargaining agreement. Whether sanctions will be imposed, and to what extent, will be considered by Human Resources and the direct supervisor.
- (3) Types of Sanctions- Sanctions that could be imposed for a violation of the College's Anti-discrimination and Harassment Policy and associated sexual misconduct procedure include, but are not limited to, probation, loss of privileges, written warning, suspension (employment or academic), and expulsion (academic) or termination (employment/third party contract).
- (4) Remedies/accommodations for the reporting party may include, but are not limited to:
 - (a) Ensuring the reporting party and responding party do not attend the same classes.
 - (b) Moving the reporting party or responding party to another section/course.
 - (c) Providing an escort for moving between classes/activities.
 - (d) Counseling services.
 - (e) Academic support services, such as tutoring.
- (5) Additional remedies for the campus community to remedy the effects of sexual misconduct may include, but are not limited to:
 - (a) Counseling or other victim services to all students affected by sexual misconduct or violence.
 - (b) Enhanced prevention-based programming.
 - (c) Focused training sessions.
 - (d) Developing and distributing materials on sexual misconduct and violence.
 - (e) Ensuring communication between Title IX Coordinator and campus police.
 - (f) Conducting campus climate assessments to assess effectiveness of efforts.

(N) Notification

- (1) If, based on a preponderance of the evidence, it is found that a violation of the College's Anti-discrimination and Harassment Policy and this associated sexual misconduct procedure has occurred, the parties will be immediately and simultaneously notified of the finding in writing.
- (2) Notification of the determination can be expected within sixty (60) calendar days of the report. If circumstances require more time for completion of the investigation and review, the parties will be notified of the reason for the delay and advised of subsequent timeframes for completion of the investigation and review.
- (3) The simultaneous written notice to both parties of the outcome of the complaint will include a notice of and option to appeal.

(O) Rights of All Parties

- (1) The reporting party and responding party shall be afforded, where applicable:
 - (a) The right to an impartial investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to institutional administrators;
 - (b) The right to be treated with respect by institutional officials;
 - (c) The right to have the same opportunity to have an advisor (support person) present during the campus adjudication process. The advisor may not serve as a witness during the campus adjudication process;
 - (d) The right to be informed by institutional officials of options to notify appropriate law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the individual so chooses. This also includes the right not to report, if that is the desire;
 - (e) The right to be notified of available counseling, mental health or student services for reporting parties of sexual assault both on campus and in the community;
 - (f) The right to not have irrelevant prior sexual history admitted as evidence in a campus hearing;
 - (g) The right not to be discouraged by institutional officials from reporting an assault to both on-campus and off-campus authorities;
 - (h) The right to timely notification, in writing, of the outcome of any administrative or Student Conduct Hearing Board decision and any sanction(s) that may be applied;
 - (i) The right to be granted, if reasonably available, a change in academic arrangement, or other steps necessary to prevent unnecessary or unwanted contact;
 - (j) The right to appeal the decision of a hearing or conference;

- (k) The right not to have any complaint of sexual assault mediated (as opposed to adjudicated);
- (l) The right to make an impact statement at the campus conduct proceeding (following a finding of “responsible” for violation of the policy) and to have that statement considered by the board in determining its sanction;
- (m) The right to a campus restraining order against another student who has engaged in or threatens to engage in stalking, threatening or harassing or other improper behavior;
- (n) The right to have complaints of sexual misconduct responded to expeditiously and with sensitivity by campus law enforcement;
- (o) The right to review all documentary evidence available regarding the complaint, at least 48 hours prior to the hearing;
- (p) The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness’ identity will not be revealed to the responding party student for compelling safety reasons (this does not include the name of the alleged reporting party, which will always be revealed);
- (q) The right to present relevant witnesses to the campus conduct body, including expert witnesses;
- (r) The right to preservation of confidentiality, to the extent possible and allowed by law;
- (s) The right to a hearing closed to the public;
- (t) The right to petition that any member of the conduct body be removed on the basis of demonstrated bias;
- (u) The right to bring an advocate or advisor to all phases of the investigation and disciplinary campus conduct proceeding;
- (v) The right to give testimony in a campus hearing by means other than being in the same room with the other party;
- (w) The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;
- (x) The right to have the institution compel the presence of student, faculty and staff witnesses, and the right to ask questions, directly or indirectly, of witnesses (including the other party), and the right to challenge documentary evidence;
- (y) The right to be present for all testimony given and evidence presented before the conduct body;
- (z) The right to have complaints heard by conduct officers who have received annual sexual misconduct adjudication training;

- (aa) The right to have a conduct panel comprised of representatives of both genders;
- (bb) The right to have institutional policies and procedures followed without material deviation;
- (cc) The right to a fundamentally fair hearing, as defined in these procedures;
- (dd) The right to a campus conduct outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- (ee) The right to written notice of the outcome and sanction of the hearing;
- (ff) The right to be informed in advance of any public release of information regarding the complaint;
- (gg) The right not to have released to the public any personal information about the complainant, without his or her consent, consistent with legal requirements;
- (hh) The right to report retaliation or harassment as a result of reporting acts of sexual misconduct.

(P) Appeal Procedures

(1) Students (Reporting Party and Responding Party)- Any student who has reasonable basis as outlined in the Student Code of Conduct to appeal the determination, may exercise rights under the Student Code of Conduct.

(2) Employees (Reporting Party and Responding Party)

(a) Non-bargaining unit employees- Any employee who has a reasonable basis as outlined in the College's Employee Grievance policy to appeal the determination may exercise their rights under that policy.

(b) Bargaining unit employees- Retain, at all times, all rights contained within the applicable collective bargaining agreement, including grievance rights.

(Q) Prevention and Education- The College provides educational programs to promote the awareness of sexual assault, domestic violence, and stalking, which include primary prevention and awareness programs for incoming students and new employees, as well as ongoing prevention and awareness programs for students and faculty. The programming will include information regarding the college's prohibition of those offenses, its current policy and procedures, a definition of offenses, and a definition of consent. Safe and positive options for bystander intervention will also be presented as well as recognition of signs of abusive behavior and steps to minimize individual risk. The College will continue its prevention and awareness campaign by offering ongoing programs to students, faculty and staff regarding the above mentioned information. Student ongoing education will be offered at various times throughout the fall and spring semesters. Faculty and staff ongoing education will be provided during professional development programming. Ongoing education will also focus on Title IX obligations including reporting responsibility and procedure.

Updated July 26, 2018