

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

Owens Community College (the College) is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination, harassment and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, the College has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment based upon sex, and for allegations of retaliation. The College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

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 measures that are deemed appropriate to prevent sexual misconduct or retaliation 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 sexual harassment, sexual assault, domestic violence, dating violence and stalking. In addition, the College prohibits any discrimination based on sex, including sex stereotyping, program exclusion, pregnancy and other forms of disparate treatment. For the purposes of this policy, the term sexual misconduct will refer to all of the above behaviors. The policy applies to all students, employees, and third-party vendors on campus (i.e., Toledo-area campus, Findlay campus, and other campus locations as they exist) 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.

(C) Jurisdiction

Such prohibition extends to persons in the United States with respect to the College's education programs or activities and when sexual misconduct occurs in a College education program or activity, including on- and off-campus education programs and activities.

An education program or activity includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurred. Sexual misconduct that occurs outside of this jurisdiction may be addressed by other College policies and procedures which may include supportive measures and/or disciplinary action.

These procedures can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to the College's educational programs or when the Title

IX Coordinator determines the misconduct affects a substantial College interest. A substantial interest includes:

- a) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b) Any situation in which it is determined that the respondent poses an immediate threat to the physical health or safety of a student or other individual;
- c) Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d) Any situation that is detrimental to the educational interests or mission of the College.

(D) Prohibited Conduct

(1) **Sexual harassment-** conduct on the basis of sex that satisfies one or more of the following:

- a) Unwelcome conduct determined to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to an educational program or activity;
- b) Any instance of *quid pro quo* harassment by a College employee;
- c) Any instance of sexual assault, dating violence, domestic violence, or stalking.

(2) **Sexual Assault** –Any sexual act directed against another person, without consent of the complainant, including instances where the complainant is incapable of giving consent.

- a) **Sex Offense, Forcible:** Any sexual act directed against another person, without consent of the complainant, including instances in which the complainant is incapable of giving consent.
 - i. Forcible Rape: 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.
 - ii. Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - iii. Sexual Assault with an Object: The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually).
 - iv. Forcible Fondling: Touching of the private body parts of another person for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

b) **Sex Offenses-Non-forcible:**

- i. Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - ii. Statutory Rape: Non-forcible sexual intercourse with a person who is under the age of consent of 18 years old
- (3) **Dating Violence** – Violence, on the basis of sex, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant.
- a) The existence of such a relationship shall be based on the complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - b) For the purposes of this definition:
 - c) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - d) Dating violence does not include acts covered under the definition of domestic violence.
- (4) **Domestic Violence** – violence, on the basis of sex committed by:
- a) a current or former spouse or intimate partner of the complainant
 - b) a person with whom the complainant shares a child in common, or
 - c) a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, or
 - d) a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Ohio,
 - e) any other person against an adult or youth complainant who is protected from that person’s acts under the domestic or family violence laws of Ohio.
- (5) **Stalking** – engaging in a course of conduct, on the basis of sex, directed at a specific person that:
- a) would cause a reasonably person to fear for the person’s individual safety, the safety of others, or suffer substantial emotional distress
 - b) For the purposes of this definition:
 - i. Course of conduct means two or more acts, including, but not limited to, acts which the respondent directly, 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.
 - ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - iii. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

- (6) **Sex Discrimination-** Negative or adverse treatment based on sex, sexual orientation, gender, gender expression, or gender identity.
- (7) **Force, Coercion, Consent, and Incapacitation**
- a) **Force** – the use of physical violence and/or physical imposition to gain sexual access. Force includes threats, intimidation, and coercion that is intended to overcome resistance or produce consent.
 - b) **Coercion** – unreasonable pressure for sexual activity or sexual contact against a person’s will.
 - c) **Consent-** knowing, voluntary, and clear permission by word or action to engage in sexual activity. It is the responsibility of each party to determine that the other has consented before engaging in activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the onset is strongly encouraged. For consent to be valid there must be a clear expression of words, or action(s) that the other individual consents to the specific sexual conduct. Reasonable reciprocation can be implied. Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, the sexual activity should cease within a reasonable time. Consent to some sexual contact cannot be presumed to be consent for other sexual activity. A current or previous intimate relationship is not sufficient to constitute consent.
 - d) **Incapacitation-** when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent
- (8) **Retaliation-** The College or any other person may not intimidate, threaten, coerce, or discriminate against any individuals for the purpose of interfering with any right or privilege secured by these procedures, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing. These protections are provided to anyone engaged with the process as outlined in this procedure, a grievance process related to an original allegation of this procedure, or what could have been an allegation of this procedure.

(E) Definitions

Advisor – a person chosen by a party or appointed by the College to accompany the party to meetings related to the Title IX resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any. Advisors can refuse a request to advise and are cautioned to avoid conflicts of interest. A party’s advisor will not be limited and could include but is not limited to, a faculty member, staff member, coach, attorney, parent, friend, labor union representative, or community resource/advocate.

Complainant- The individual who is alleged to be the victim of conduct that could constitute sexual misconduct, or retaliation for engaging in a protected activity.

Complaint (formal) – a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct or retaliation for engaging in a protected activity against a Respondent and requesting that the College investigate the allegation.

Confidential Employee- An employee of the College, who by role, is designated as a confidential resource for the campus community to discuss sexual misconduct without automatically triggering a report to the Title IX Coordinator. The employees in the Counseling Services Office including the Director of Counseling Services and Counselor for Counseling Services is designated as such.

Decision Maker – a panel of individuals identified and trained by the College, including a Chair of the panel that is utilized in the live hearing process. The decision maker is free of conflict of interest with any specific party and free of bias for or against any parties generally or a conflict of interest with any specific party. The decision maker is trained on:

- The definitions of sexual harassment and other offenses;
- The scope of the College’s programs and activities;
- How to conduct fair and impartial investigations;
- Any and all of the College’s grievance processes;
- Any technology to be used at a live hearing;
- Issues of relevance for both questions and evidence

Education Program or Activity – locations, events, or circumstances where the College exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs and also includes any building owned by the College.

Final Determination – a conclusion by the preponderance of evidence that the alleged conduct occurred and whether it did or did not violate policy.

Finding – a conclusion by the preponderance of evidence that conduct did or did not occur as alleged.

Grievance Process – a method of resolution designated by the College to address conduct that falls within this policy and procedure.

Mandated Reporter - an employee of the College who is obligated by this procedure to immediately share knowledge, notice, and/or reports of sexual misconduct and/or retaliation with the Title IX Coordinator. This includes the President, Vice Presidents, officers within the Department of Public Safety and all Deans, Chairs, Directors, Department Heads, Student Organization Advisors, Academic Advisors, Career and Transfer Advisors, Oserve Advocates, admissions staff, human resources staff, and Athletic Coaches. All mandated reporters must promptly share all details under these procedures with which they observe or have knowledge.

Notice – an employee, student, or third-party informs the Title IX Coordinator of an alleged occurrence of sexual misconduct and/or retaliatory conduct.

Officials with Authority (OWA) – individuals as designated by the College with the authority to institute corrective measures on behalf of the College. These individuals include the Title IX Coordinator and designated Deputy Title IX Coordinators.

Parties – include the complainant(s) and respondent(s), collectively.

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

Remedies – post-finding actions directed to the complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College’s education program.

Respondent- an individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct; or retaliation for engaging in a protected activity.

Resolution – the result of an informal or formal grievance process.

Sanction – a consequence imposed by the College on a respondent who is found to have violated College policy or procedure.

Sexual misconduct – includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking and any discrimination based on sex, including sex stereotyping, program exclusion, pregnancy and other forms of disparate treatment.

Supportive Measures – individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

Title IX Coordinator – the official designated by the College to ensure compliance with Title IX and the College’s Title IX program. References to the Title IX Coordinator throughout these procedures may also encompass a designee (Deputy) for specific tasks.

(F) Title IX Office

- (1) The College has an appropriately trained **Title IX Coordinator** and **Deputy Title IX Coordinators** whose responsibilities include, but are not limited to, ensuring compliance with Title IX regulations including providing supportive measures, conducting prompt, fair, and equitable 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.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Vice President for Enrollment Management and Student Services. Concerns of bias or a potential conflict of interest by any other member of the Title IX Office should be reported to the Title IX Coordinator.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the Vice President for Enrollment Management and Student Services. Reports of misconduct or discrimination committed by any other member of the Title IX Office should be reported to the Title IX Coordinator.

Administrative Contact Information:

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

Assistant Dean, Student Life and Title IX Coordinator

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:

Jammie Cassoni

Coordinator, Legal Services

Toledo Campus

Room 241, Administration Hall

(567) 661-2647

jammie_cassoni@owens.edu

Inquiries regarding sex discrimination also may be directed externally to:

Office for Civil Rights (OCR)

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline: (800) 421-3481

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

(G) 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 to another Responsible Employee.

(H) Assistance following an Incident of Sexual Misconduct

The following resources are available to any person impacted by alleged sexual misconduct:

(1) Immediate Danger- In the event an individual 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

(2) Medical treatment and Evidence Preservation- individuals 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
- Utilize crisis Management Resources as appropriate

(3) Counseling Services- Services are available to all students and can be accessed by calling (567) 661-7168 or emailing CounselingServices@owens.edu. 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 YWCA Representative provides:

- Crisis support
- Confidential advising to services, support, and processes both at the College and in the community
- Assistance with legal options, the College's processes and/or the discipline process which may include attendance during interviews

(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) 373-1730 (Wood County)
- YWCA H.O.P.E. Center- (866) 557-7273 (Lucas County)
- Open Arms Domestic Violence and Rape Crisis Services- (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 Accounts- 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.

(I) Reporting Sexual Misconduct- Any person may report sexual misconduct, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. There is no time limitation on providing notice/reporting

to the Title IX Coordinator. However, if the respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be limited or impossible.

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the College must issue timely warnings for incidents reported to the College that pose a serious or continuing threat of bodily harm or danger to members of the campus community. The College will strive to ensure that a complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of potential danger.

- (1) Formal Complaint- A formal complaint may be filed with the Title IX Coordinator in person, by mail, by email, or through the College Incident Reporting Form. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in an education program or activity of the College.

The complainant must submit 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.

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

Anonymous reports are accepted and can give rise to a need to investigate. The College tries to provide supportive measures to all complainants which is not possible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as the College respects the complainant, requests to dismiss complaints will be honored unless there is a competing threat to one's health and/or safety. The complainant should not fear a loss of privacy by making a report that allows the College to discuss and/or provide supportive measures.

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 and procedure. No information, including the identity of the parties will be released from such proceedings except as required or permitted by law or College policy or procedure.

To Initiate a formal complaint:

- (a) Contact the Title IX Coordinator:

Danielle Filipchuk, Assistant Dean Student Life and Title IX
danielle_filipchuk@owens.edu or titleIX@owens.edu
(567) 661-7970
Toledo area campus, College Hall, Room 158
P.O. Box 10,000

Toledo, OH 43699-1947

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

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

(Available 24 hours a day).

- (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. 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) Off-campus resources – Licensed professional counselors and other medical providers, local rape crisis centers, domestic violence resources, local or state assistance agencies, clergy/chaplains and/or attorneys.
(e) 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 given 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.

- (J) Supportive Measures – Supportive measures are available to the respondent and complainant to ensure equal education access, protect safety, or deter sexual harassment and/or retaliation. These measures are individualized and are non-disciplinary, non-punitive and will not be unreasonably burdensome to the other party.

The Title IX Coordinator (or designee) is responsible for coordinating reasonable supportive measures. Upon notice of a sexual misconduct allegation, the Title IX Coordinator will promptly contact the complainant to evaluate the complainant's wishes for supportive measures and to discuss the availability of supportive measures. A formal complaint does not need to be filed for a complainant to receive supportive measures; however, the complainant will be informed on how to file a formal complaint if they wish to do so. Additional supportive measures will also be provided to a complainant whenever a respondent is found responsible.

The College will maintain the privacy of the party when supportive measures were provided, on the condition that privacy does not impair the College's ability to provide the supportive measures.

Supportive measures may include, but are not limited to:

- Referral to counseling services, medical, and/or other health services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid assistance
- Education to the community or community subgroup(s)
- Altering work agreements for employees or student-employees
- Safety planning
- Providing campus security escorts
- Implementing contact limitations between parties
- Academic support, extensions, or other course- or program-related adjustments
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of campus
- Any other actions deemed appropriate by the Title IX Coordinator

(K) Emergency Removals

- (1) The College reserves the right to remove a respondent from the College's program or activity on an emergency basis if the respondent cannot safely participate in an

- educational program or activity while the College investigates and resolves the allegations of sexual harassment. An individualized safety and risk analysis will be conducted and documented by the Title IX Coordinator (or designee) to determine whether there is an immediate physical threat to the health or safety of students or other individuals arising from the allegation of sexual misconduct.
- (2) In the case of an emergency removal, the respondent will be provided written notice and will be provided an opportunity to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. When this meeting is not requested with two (2) business days, objections to the emergency removal will be deemed waived. A complainant and their advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. A respondent may be accompanied by an advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation. The Title IX Coordinator has sole discretion under these procedures to implement or stay an emergency removal and to determine the conditions and duration. There is no appeal process for emergency removal decisions.
 - (3) Violation of an emergency removal under these procedures will be grounds for discipline, which may include expulsion or termination from the College.
 - (4) The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions include, but are not limited to: temporarily re-assigning or relocating an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, suspending a student's participation in extracurricular activities, student employment, student organizational leadership or intercollegiate athletics. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.
 - (5) Once/if it is determined that the respondent is no longer an immediate threat, the respondent will be immediately reinstated to pre-emergency removal status.

(L) Confidentiality, Privacy and Amnesty

- (1) Privacy- Every effort is made by the College to preserve the privacy of reports. To the greatest extent possible, the College will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any

complainant, any individual who has been reported to be the perpetrators of sexual misconduct, any respondent, or any witness, except as permitted by law. The College reserves the right to designate which College officials have a legitimate educational interest in being informed about incidents that fall within these procedures, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint. Information will be shared as necessary with the Title IX Office, decision-makers, witnesses, and the parties.

The College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student before doing so.

Any information concerning a minor as a complainant or respondent will be provided to the parent/guardian of the minor by the Title IX Coordinator as soon as possible upon knowledge of a complaint concerning a minor.

- (2) Confidentiality- If a complainant requests confidentiality, this may impact the College's ability to fully investigate and respond in pursuing disciplinary action against the responding party. The College has confidential options identified as outlined in the Reporting Sexual Misconduct section.
- (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.

(M) Investigations

Investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

- (1) Upon receipt of a formal complaint, the Title IX Coordinator (or designee) will conduct a brief, initial assessment to gather enough key information to inform decisions about jurisdiction, threat, emergency removal, and other critical topics key to the investigation.
- (2) The College must investigate all formal allegations and send written notice to the complainants and respondents. The written notice will include:
 - a) The identities of the parties (if known).
 - b) The specific section(s) of policy alleged to have been violated.
 - c) The conduct that would be considered sexual harassment/misconduct.
 - d) The date(s) of the incident(s).
 - e) The location(s) of the incident(s).
 - f) A statement that the respondent is presumed to be "not responsible" for the alleged conduct until a determination is made at the conclusion of the grievance process.

- g) A statement that the parties may have an advisor of their choice, who may be an attorney.
 - h) A reminder of the expectation of truthfulness in the grievance process including the consequences of providing false statements or submitting false information.
- (3) The burden of gathering evidence and burden of proof will remain with the College, not the involved parties.
 - (4) The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; 3) questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove 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.
 - (5) The College will send written notice of any investigative interviews, meetings, or hearings that will include the date, time, location, participants and purpose of the investigative interview, meeting or hearing.
 - (6) The College will provide equal opportunity for the parties to present facts, witnesses, and other evidence (both inculpatory and exculpatory evidence).
 - (7) The College will not restrict the ability of the parties to discuss the allegations or gather evidence.
 - (8) No unauthorized audio or video recording of any kind is permitted during investigation meetings. If the Title IX Coordinator elects to audio record and/or video record interviews, all parties must be made aware of the audio and/or video recording.
 - (9) Parties will have the same opportunity to select and advisor of their choice who may be, but need not be, an attorney.
 - (10) The College will send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least ten (10) calendar days for the parties to inspect, review, and respond to the evidence.
 - (11) The College will send the parties, and their advisors, a comprehensive investigative report that fairly summarizes relevant parts of the investigation, witness interviews, and relevant evidence, in electronic format or hard copy, with at least ten (10) calendar days for the parties to respond.
 - (12) The investigative report will make conclusions based upon investigative facts and are non-binding. The decision-maker will make the final, objective evaluation at the conclusion of the live hearing.
 - a) The investigative report will not be finalized until the review period for the parties is complete. Necessary revisions and relevant elements of the parties' written responses will be incorporated into the final report. The rationale for any changes made after the review and comment period will be documented.
 - (13) Once the final investigative report is complete, the report will be shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties will also be provided with a file of any directly related evidence that was not included in the report.
 - (14) The College will dismiss, under Title IX, any allegation that does not meet the definition of sexual harassment or did not occur in the College's education program or

- activity against a person in the U.S. If dismissed, the College may still investigate using alternative processes.
- (15) The College may dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the College, or if specific circumstances prevent the College from gathering sufficient evidence to reach a determination.
 - a) If the respondent is no longer enrolled or employed by the College at any point before the investigation process is complete, upon withdrawal, the respondent may be barred from College property and events, and may be ineligible for re-enrollment or rehire.
 - (16) The College will give written notice of dismissal and the reasons for the dismissal.
 - (17) The College may consolidate formal complaints where the allegations arise out of the same facts.
 - (18) The involved party's medical, psychological, and similar treatment records cannot be accessed by the College unless the party provides voluntary, written consent to do so.
- (N) Informal Resolution – An informal resolution may occur at any time prior to reaching a determination regarding responsibility and may include the use of alternative resolution procedures such as mediation, restorative practices, and other alternative resolution procedures in limited circumstances. An informal resolution does not involve a full investigation and adjudication. For an informal resolution to occur, both parties must agree to resolve a report informally rather than through formal investigation and resolution, and when the Title IX Coordinator must be able to support the resolution informally by providing agreed-upon remedies to resolve the situation. Informal resolutions will not be permitted in employee-student cases. An informal resolution may be permitted if the following criteria are met:
- (1) A formal complaint has been filed.
 - (2) A determination of responsibility has not been reached.
 - (3) Both parties must provide written and voluntary consent to use the informal process.

The parties participating in the informal resolution process will be provided with written notice that includes:

- The reported misconduct/allegations;
- The requirements of the informal resolution process including the circumstances under which, once completed, it precludes the parties from changing their minds and reverting to a formal grievance process;
- The right of the parties to withdraw from the informal resolution process and resume the formal grievance process;
- Any consequences resulting from participating in the process, including what sanctions could result, as well as any records that will be maintained and/or could be shared; and
- Whether the resolution would be binding on the parties.

- (O) Live Hearing- Once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a live hearing. The hearing cannot be less than ten (10) business days from the conclusion of the investigation, unless all parties and the decision-maker agree to an expedited timeline.

A live hearing will be required to decide whether a respondent is “responsible” for violating this procedure. A live hearing will consist of the decision-makers (Chair and hearing panel), complainant and respondent and their advisors, and any relevant witnesses.

The notice of the hearing will include the following elements:

- a) Date
 - b) Time
 - c) Location
 - d) A list of all those will be attending the hearing, along with an invitation to object to any decision-maker on the basis of demonstrated bias. *This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.*
 - e) Any technology that will be used to facilitate the hearing
 - f) Information about the option for the live hearing to occur with the parties in separate rooms using technology that enables the decision-makers and parties to see and hear all parties answering questions. *Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.*
 - g) Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
 - h) A statement that if any party or witnesses does not appear at the scheduled hearing, the hearing may be held in their absence and that the absent party’s testimony and any statements given prior to the hearing will not be considered by the decision-makers. For compelling reasons, the hearing may be rescheduled.
 - i) Notification that the parties may have the assistance of an advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask during the hearing of the other party and/or witness(es). *The party must notify the Title IX Coordinator at least five (5) business days prior to the hearing if they do not have an advisor, and the College will appoint one.*
 - j) An invitation to each party to submit to the decision-makers an impact statement pre-hearing that the decision-makers will review during any sanction determination.
 - k) A description of the alleged policy violation(s)
 - l) Applicable procedures
 - m) Potential sanctions
 - n) Purpose of the hearing
 - o) An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing *The party must notify the Title IX Coordinator least seven (7) business days prior to the hearing.*
- (1) If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

- The Title IX Coordinator or the Chair may arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.
- (2) The parties will be given a list of the names of the decision-makers in the hearing notice. All objections to any decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) business days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).
 - (3) Participants at the hearing will include the decision-makers, the Title IX Coordinator (or designee who conducted the investigation process) who conducted the investigation, the parties, advisors to the parties, any called witnesses, and anyone providing authorized accommodations or assistive services. Witnesses will be invited to appear at a portion of the hearing in order to respond to specific questions from the decision-makers and the parties and will then be excused.
 - (4) The order of the hearing will include: 1) the Chair of the hearing board will explain the procedures and will introduce participants; 2) the Title IX Coordinator will present a summary of the final investigation report and will be subject to questioning by the decision-makers and the parties (through their advisors); 3) parties and witnesses will be invited to provide relevant information beginning with the complainant, respondent, and witness(es) and will be subject to questioning by the decision-makers and the parties (through their advisors); 4) the decision-makers will deliberate in closed session to determine whether the respondent is responsible or not-responsible for the policy violation(s) in question using the preponderance of evidence standard; 5) if there is a finding or responsibility on one or more of the allegations, the decision-makers may consider the previously submitted party impact statements in determining appropriate sanctions; 6) the Chair of the hearing board will then prepare a written deliberation statement within two (2) business days of the end of deliberations; 7) using the deliberation statement, the Chair of the hearing board will prepare a notice of outcome which will include final determination, rationale, and any applicable sanction(s) for the parties and their advisors within five (5) business days of receiving the decision-makers deliberation statement
 - (5) Cross Examination – at the live hearing, each party’s advisor must be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Cross examination must be conducted by the advisor (the only portion of the hearing in which the advisor may actively participate) and must be conducted directly, orally, and in real time, with virtual avenues permitted (at the request of either party). Cross examination must exclude evidence of the complainant’s prior sexual behavior or predisposition, unless evidence regarding the complainant’s sexual behavior is offered to prove that someone other than the respondent committed the sexual misconduct, or is to prove consent.

The process for cross examination will be conducted as such:

- a) The advisor will post the question orally;

- b) The proceeding will pause, while the chair of the live hearing considers the question, and then determines its relevance, and explains their determination on-the-record;
- c) Based on this determination the chair will then direct the party or witness whether or not to respond to the posed question by the advisor.

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all of the questioning. The decision-maker(s) can only rely on what relevant evidence is available through the investigation and hearing in making the determination of responsibility or non-responsibility. The decision-maker(s) cannot draw any inference solely from a party's or witnesses' absence from the hearing or refusal to submit to cross-examination or answer other questions.

- (6) Hearings (excluding deliberations) will be recorded by the College for purposes of review in the event of appeal. Parties may not record the proceedings and no other unauthorized recordings are permitted.

(P) Notice of Outcome

- (1) The hearing board chair will provide written determination of responsibility for each allegation to be shared with the parties simultaneously. This written determination will include:
 - The section (s) of College policy or procedure alleged to have been violated.
 - The standard of evidence that was used in the decision-making process.
 - A description of the procedural steps taken from the receipt of the formal complaint through the hearing, including any notifications made to the parties, interviews with the parties and witnesses, site visits, or other mechanisms used to gather evidence and hearing held.
 - Findings of fact that support the determination.
 - Conclusions regarding the application of the "findings of fact" to the alleged violations.
 - A statement of, and rationale for, the result as to each alleged violation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant.
 - Procedures for appeal including the bases upon which the parties may appeal.
- (2) 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.
- (3) Notification of the determination can be expected within sixty (60) calendar days of the formal 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.

- (4) The simultaneous written notice to both parties of the outcome of the complaint will include a notice of and option to appeal.

(Q) Rights of the Parties

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to College officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by College officials.
- The right to have College policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by College officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by College authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of these procedures responded to promptly and with sensitivity by the College law enforcement and/or other College officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- The right to a College -implemented no-contact order or no-trespass order when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.
- The right to be informed of available assistance in changing academic, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation accommodations

- Visa/immigration assistance
 - Exam, paper, and/or assignment rescheduling or adjustment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options.
- The right to have the College maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the College's ability to provide the supportive measures.
 - The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
 - The right to ask the Title IX Coordinator and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
 - The right to provide the Title IX Coordinator/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
 - The right not to have irrelevant prior sexual history or character admitted as evidence.
 - The right to know the relevant and directly related evidence obtained and to respond to that evidence.
 - The right to fair opportunity to provide the Title IX Coordinator with their account of the alleged misconduct and have that account be on the record.
 - The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
 - The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
 - The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
 - The right to regular updates on the status of the investigation and/or resolution.
 - The right to have reports of alleged Policy violations addressed by Title IX Coordinators, and decision-makers who have received relevant annual training.
 - The right to a hearing board that is not single-sex in its composition.
 - The right to preservation of privacy, to the extent possible and permitted by law.
 - The right to meetings, interviews, and/or hearings that are closed to the public.
 - The right to petition that any College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
 - The right to have an advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
 - The right to the use of the preponderance of evidence standard to make a finding after an objective evaluation of all relevant evidence.

- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the decision-makers following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by the College is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.
- The right to a fundamentally fair resolution as defined in these procedures.

(R) Sanctions and Remedies

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature and severity of, and circumstances surrounding the violation(s)
- The respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the complainant and the community
- The impact on the parties
- Any other information deemed relevant by the decision-makers

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

- (1) Student sanctions- Sanctions for violations of this procedure by a student will be imposed in accordance with the College's Student Code of Conduct. If during a student conduct hearing, the respondent is found responsible, the extent of sanctions will be determined by the hearing board.
- (2) Employee Sanctions- If the respondent is found responsible, the extent of the sanctions will be determined by Human Resources in accordance with the College's Standards

- of Conduct/Disciplinary Process policy and/or disciplinary provisions of the applicable collective bargaining agreement.
- (3) Types of Sanctions- Sanctions that could be imposed for a violation of this procedure include, but are not limited to, warning, probation, performance improvement plan (employees), loss of privileges, loss of responsibilities or demotion (employees), written warning, suspension, and expulsion (academic) or termination (employment/third party contract).
- (4) 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 campus community members affected by sexual misconduct.
 - (b) Enhanced prevention-based programming.
 - (c) Focused training sessions.
 - (d) Developing and distributing materials on sexual misconduct.
 - (e) Ensuring communication between Title IX Coordinator and campus police.
 - (f) Conducting campus climate assessments to assess effectiveness of efforts.

(S) Withdrawal or Resignation with Charges Pending

Students: If a student has an allegation pending for violation of these procedures the College may place a hold on a student's ability to register for future classes, graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student respondent permanently withdraw from the College, the resolution process ends, as the College no longer has disciplinary jurisdiction over the withdrawn student.

However, the College will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the College until the allegations are resolved (if possible). Such exclusion applies to all campuses of the College. A hold will be placed on their ability to be readmitted. They may also be barred from College property and/or events.

Employees: Should an employee respondent resign with unresolved allegations pending, the resolution process ends, as the College no longer has disciplinary jurisdiction over the resigned employee.

However, the College will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the College, and the records retained by the Title IX Coordinator will reflect that status.

All College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

(T) Appeal Procedures

Both parties are provided the opportunity to appeal a determination regarding responsibility, or the College's decision to dismiss a formal complaint. Parties will have five (5) business days from when the written notice of outcome was sent to appeal. The appeal body will be determined by the College and will be communicated in the written outcome determination letter. The appeal body will be free of bias- and conflict of interest-free. Appeals are not intended to provide a full re-hearing of the allegation(s) and in most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.

The appellate process is available to the complainant and respondent on the following bases:

- (1) A procedural irregularity that affected the outcome on the matter;
- (2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could have affected the outcome of the matter; and
- (3) The Title IX Coordinator, Deputy Title IX Coordinator(s), or any member of the hearing board 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.

Requests for appeals must be submitted in writing to the Title IX Coordinator (or who has been specified as the appeal body in the written outcome determination letter) within five (5) business days. The request for appeal must articulate the ground(s) upon which the party has based their request for an appeal.

Upon request for an appeal from either party, the appeal body will notify each party in writing and give the parties five (5) business days a reasonably equal opportunity to submit a written statement in support of, or challenging the outcome.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law. Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand.

(U) 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.

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Updated September 8, 2021 to reflect live hearing attendance procedures