

CIVIL RIGHTS AND SEXUAL MISCONDUCT REPORTING AND RESPONSE PROCEDURE

<i>Policy Reference(s):</i>	II.01; II.02
<i>Responsible Department(s):</i>	Office of Diversity, Equity & Inclusion; General Counsel
<i>Approval Date:</i>	9/29/2014
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I. CCAC NON-DISCRIMINATION POLICY

As set forth in *Board Policy II.01: Non-Discrimination, Title IX and Equal Education and Employment Opportunity* and *II.02: Unlawful Harassment*, the College does not discriminate and prohibits discrimination against any individual based upon race, color, religion, national origin, ancestry or place of birth, sex, gender identity or expression, perceived gender identity, sexual orientation, disability, use of a service animal due to disability, marital status, familial status, genetic information, veteran status, age or other classification protected by applicable law in matters of admissions, employment, services or in the educational programs or activities that it operates. Harassment that is based on any of these characteristics, whether in verbal, physical or visual form, constitutes a form of prohibited discrimination. This includes harassing conduct that affects tangible job benefits, unreasonably interferes with an individual's academic or work performance or which creates what a reasonable person would perceive to be an intimidating, hostile or offensive work or educational environment.

It is the further policy of the College to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination based on gender or sex in the College's educational programs and activities, as well as the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, as amended by the Violence Against Women Act (VAWA), and Article XX-J of the Pennsylvania Public School Code. As more fully described below, conduct prohibited under these laws and College policies includes Title IX/Sexual Harassment Offenses, acts of sexual violence, and other forms of sexual misconduct, including but not limited to sexual assault, domestic violence, dating violence and stalking.

II. SCOPE AND JURISDICTION OF PROCEDURE

The Community College of Allegheny County has adopted this Procedure in order to provide for the prompt, fair and impartial investigation of and response to reported incidents of Title IX/Sexual Harassment Offenses and other violations of the College's policies prohibiting unlawful discrimination, harassment and retaliation on the basis of a protected class. The College will promptly and equitably respond to all such reports in order to eliminate the misconduct, prevent its recurrence and redress its effects on any individual or the College community.

This Procedure is available and applicable to all members of the College community, including the following:

- **Students**

- **Employees**
- **Guests**
- **Independent Contractors/Third-Party Vendors**
- **Volunteers**

This Procedure applies to all forms of prohibited conduct, as described in Section IV below, that occur in connection with a College program or activity. This may include the following types of conduct:

1. Conduct occurring at or on property or facilities owned or controlled by the College, including campus locations and centers, satellite and other non-campus locations, the Office of College Services, and College-owned or controlled parking lots and grounds.
2. Conduct occurring on public property within or immediately adjacent to a campus location.
3. Conduct occurring at activities that are sanctioned, organized or coordinated by the College, on or off campus, including but not limited to:
 - a. Virtual/remote/online College classes, programs, and events
 - b. Clinical placements, internships and externships
 - c. Study abroad programs (*the College does not have jurisdiction over Title IX/Sexual Harassment Offenses that occur outside of the United States, and such offenses will therefore not be processed under the Process A/Title IX procedures set forth in Section XII below; however, conduct associated with or giving rise to such offenses which also violates the College's Student Code of Behavioral Conduct, the Employee Manual, and/or constitutes a civil rights violation prohibited by this Procedure may be processed and subject to sanctions imposed pursuant to the College's Student Code of Behavioral Conduct, the Employee Manual, and/or the Process B/ Civil Rights procedure set forth in Section XIII below, as applicable*).
 - d. Community activities
 - e. Off campus sites offering non-credit classes and/or programs
 - f. Athletic events, including travel thereto
 - g. Activities sponsored or organized by recognized student organizations
4. Other conduct that takes place off campus but which has the potential to adversely impact any member of the College community while on campus or otherwise adversely affect or disrupt the College's learning or working environment.

III. Definitions

As used in this Procedure, the words and phrases listed below are defined as:

- **Actual Knowledge**: refers to notice of a complaint of or allegations relating to a Title IX/Sexual Harassment Offense received by the TIXC or any Official with Authority.
- **Advisor**: the person chosen by a party or appointed by the institution to accompany the party to meetings arising under and/or required by these Procedures, to advise the party on the processes provided in these Procedures, and to conduct cross-examination for the party at the Process A/Title IX hearing.

- **Bullying**: repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class.
- **Complainant(s)**: a person(s) who alleges to have been the subject of a Title IX/Sexual Harassment Offense or other Prohibited Conduct.
- **Complaint (formal)**: a document filed/signed by a Complainant or signed by the TIXC alleging Prohibited Conduct by a Respondent and requesting that the College investigate the allegation.
- **Consent**: a knowing, voluntary and clear agreement, by word or action, to engage in a specific sexual activity at the time of the activity. To be valid, consent must be knowing, voluntary, active and ongoing. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or a consent previously given does not imply consent to future sexual acts. Consent cannot be procured by use of physical force, threats, intimidating behavior or other forms of coercion. **Consent is not present when an individual is incapacitated due to the effects of alcohol, drugs or sleep. Consent is also not present when an individual lacks capacity to provide consent due to age (as described above), physical or intellectual disability or other condition.** When determining whether a person has the capacity to provide consent, the College will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity. The voluntary use of alcohol or other drugs by one or both parties prior to, during or in connection with a sexual activity does not serve as a defense to or excuse otherwise prohibited conduct.
- **Dating Violence**: 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 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. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- **Discrimination**: actions that deprive members of the College community of educational, extracurricular (including athletics) or employment access, benefits or opportunities on the basis of their actual or perceived membership in a protected class.
- **Discriminatory Harassment**: unwelcome conduct, whether in verbal, written, physical, or graphic form, on the basis of actual or perceived membership in a protected class.
- **Domestic Violence**: a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as

a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by 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.

- **Education Program or Activity**: locations, events, or circumstances where the College exercises substantial control over both the Respondent and the context in which Prohibited Conduct occurs.
- **Finding**: a conclusion by the preponderance of the evidence standard of proof that the conduct did or did not occur as alleged.
- **Hostile Environment**: conduct that is so severe, persistent or pervasive that it has the effect of unreasonably interfering with an individual's work performance or educational experience or which otherwise unreasonably limits or deprives an individual from participating in or receiving the benefits of employment with the College and/or an Education Program or Activity at the College. The existence of a Hostile Environment is to be judged both objectively (meaning a reasonable person would find the environment hostile) **and** subjectively (meaning the impacted individual felt that the environment was hostile).
- **Hearing Decision-Maker or Panel**: refers to those who have decision-making and sanctioning authority under the Process A/Title IX described in Section XI below.
- **Intimidation**: implied threats or acts that cause another person a reasonable fear of harm.
- **Investigator**: means the person or persons charged by the College with gathering facts about alleged Prohibited Conduct, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- **Mandatory Reporter**: an employee of the College who is obligated by applicable law, College policy, and/or this Procedure to share knowledge, notice, and/or reports of Prohibited Conduct with the TIXC, an Official with Authority, and/or their supervisor.
- **Notice**: means that an employee, student, or third party informs the TIXC or other Official with Authority of the alleged occurrence of Prohibited Conduct.
- **Official with Authority (OWA)**: means an employee of the College explicitly vested with the responsibility to implement corrective measures for Prohibited Conduct on behalf of the College.
- **Process A/Title IX (Sexual Harassment)**: means the formal process for resolving Complaints alleging Title IX/Sexual Harassment Offenses, as described in Section XII below.
- **Process B/Civil Rights**: means the formal process for resolving Complaints alleging Discrimination, Discriminatory Harassment, Retaliation, and other Prohibited Conduct that does not meet the definition of a Title IX/Sexual Harassment Offense, as described in Section

XIII below.

- **Prohibited Conduct**: Conduct and offenses listed in Section IV below.
- **Reasonable Accommodation(s) for Students**: approved modification(s) of programs, appropriate academic adjustments, or auxiliary aids that enable students to participate in and benefit from all educational programs and activities, unless to do so would cause undue hardship.
- **Reasonable Accommodation(s) for Employees**: any modification or adjustment to a job requirement or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions, unless to do so would cause undue hardship.
- **Relevant Evidence**: evidence that tends to prove or disprove an issue in the Complaint.
- **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 educational program.
- **Respondent(s)**: an individual who has been reported to be the perpetrator of conduct that could constitute a Title IX/Sexual Harassment Offense or other Prohibited Conduct.
- **Retaliation**: any action, directly or through others, that would have the effect of preventing or deterring a reasonable person from reporting Prohibited Conduct, or from participating in or providing information in response to an investigation, hearing or other action authorized under this Procedure.
- **Sanction**: means a consequence imposed on a Respondent who is found to have engaged in Prohibited Conduct.
- **Sexual Assault**: any sexual act directed against another person without consent, including instances in which the Complainant is incapable of giving consent. A "sexual act" is defined by federal regulation to include one or more of the following, which are also Clery Act reportable crimes:
 - **Rape (Except Statutory Rape)**: the carnal knowledge of a person (i.e. 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. This includes instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - **Sodomy**: oral or anal sexual intercourse with another person, without the consent of the victim. This includes instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - **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, without the consent of the victim. This includes instances where the victim is incapable of giving

consent because of their age or because of their temporary or permanent mental or physical incapacity.

- **Fondling**: the touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim. This includes instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - **Incest**: non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape**: non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Sexual Exploitation**: taking sexual advantage of another person or violating the sexual privacy of another person when consent is not present. Acts of sexual exploitation include, but are not limited to, observing or permitting others to witness or observe the sexual activity of another person without that person's consent; indecent exposure; inducing others to expose themselves when consent is not present; recording or distributing information, images, or recordings of any person engaged in sexual activity or in a private space without that person's consent; prostituting another individual; knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and inducing incapacitation for the purpose of making another person vulnerable to non- consensual sexual activity.
 - **Sexual Harassment**: is the umbrella category including the offenses of Sexual Harassment, sexual assault, stalking, and dating violence, domestic violence and unwelcome conduct, determined by a reasonable person to be so severe and pervasive **and** objectively offensive that it effectively denies a person equal access to the College's educational program or activity. Such conduct can consist of unwelcome sexual advances, requests for sexual favors or other verbal, written, graphic or physical conduct of a sexual nature, when any or all of the following are present:
 - **Quid Pro Quo Sexual Harassment**: submission to or rejection of the conduct is either implicitly or explicitly made a term or condition of an individual's participation or continued participation in any College employment or Education Program or Activity, or otherwise forms the basis for a decision that adversely impacts that person's employment or educational experience.
 - **Hostile Environment Sexual Harassment**: conduct that has the effect of creating a Hostile Environment. Such conduct interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities and is severe, pervasive **and** objectively offensive.
 - **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 purposes of this definition: *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker 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. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or

counseling.

- **Supportive Measures:** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties or the College's educational environment, and/or deter Prohibited Conduct.
- **Title IX Coordinator (TIXC):** official designated by the College to ensure compliance with Title IX. This official also serves as the Civil Rights Compliance Officer and ADA/504 Coordinator for the College. The TIXC has the primary responsibility for coordinating the College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent Prohibited Conduct. The TIXC acts with independence and authority free from bias and conflicts of interest. The TIXC oversees all resolutions under this Procedure.
- **Title IX/Sexual Harassment Offenses:** an umbrella term that refers to and includes the offenses which constitute Sexual Harassment, Sexual Assault, Sexual Exploitation, Stalking, Dating Violence, and Domestic Violence.

IV. PROHIBITED CONDUCT

Conduct prohibited by College policies and reportable under this Procedure includes, but is not limited to, the following:

1. **Discrimination**
2. **Discriminatory Harassment**
3. **Bullying**
4. **Hazing**
5. **Intimidation**
6. **Title IX/Sexual Harassment Offenses**
7. **Retaliation**
8. **Not Honoring** the College's established attendance procedure for pregnant students and pregnancy-related conditions, which is further detailed in Section V.
9. **Denial** of reasonable accommodations for individuals with documented disabilities.
10. **Denial** of reasonable accommodations for pregnant students or employees.
11. **Romantic Relationships** in the workplace or within the educational environment that violate the requirements set forth in *Board Policy II.02: Unlawful Harassment*.

This Procedure **does not** apply to grade-related disputes or other complaints of an academic nature that fall within the scope of the College's Academic Complaint Policy, with the exception of the following:

1. Complaints that allege that an academic decision was determined as a result of discrimination and/or harassment on the basis of actual or perceived membership in a protected class;
2. Complaints that allege that an individual was denied participation in an academic

program or activity due to discrimination and/or harassment on the basis of actual or perceived membership in a protected class; and

3. Complaints that allege that discrimination and/or harassment on the basis of actual or perceived membership in a protected class affected or altered an individual's ability to perform academically.

Please see Section VII for information on how to submit a report or file a complaint regarding prohibited conduct.

V. ATTENDANCE PROCEDURE FOR PREGNANCY & PREGNANCY-RELATED CONDITIONS

In accordance with Title IX of the Education Amendments of 1972, absences due to pregnancy and pregnancy-related conditions, including childbirth, false pregnancy, termination of pregnancy, and recovery from any of these conditions, shall be excused for as long as the absences are determined to be medically necessary. If students register their pregnancy and/or pregnancy related-conditions with the TIXC, students will be provided with the opportunity to make up any work missed as a result of such absences, if possible. The College may also offer the student alternatives to making up missed work, such as, but not limited to, retaking a semester, taking part in online instruction or allowing the student additional time in a program to continue at the same pace and finish at a later date. For more information or requests for accommodations, students should inform their instructor(s) and/or contact the TIXC at 412.237.4542 or kschoos@ccac.edu. Per mandatory reporting obligations, instructors are required to inform the TIXC if a student discloses a pregnancy and/or a pregnancy-related condition.

VI. FREE EXPRESSION AND ACADEMIC FREEDOM

The College is firmly committed to free expression and academic freedom and to creating and maintaining a safe, healthy, and harassment-free environment for all members of the College community. Conduct prohibited by this Procedure, including acts of retaliation, does not constitute protected expression nor the proper exercise of academic freedom. The College will, however, consider rights under the First Amendment and academic freedom in its investigation of reports submitted under this Procedure, to the extent that the reported misconduct or retaliation involves an individual's verbal or written statements or speech, as well as symbolic or other forms of non-verbal speech.

VII. REPORTING

Prompt reporting of Prohibited Conduct is encouraged, because facts often become more difficult to establish as time passes. The College will take prompt and appropriate action in response to all reports in order to end the Prohibited Conduct, prevent its recurrence and address its effects. Any person may report Prohibited Conduct (whether or not the person reporting is the person alleged to be the victim of the conduct), in person, by mail, by telephone, or by e-mail, using the contact information listed for the TIXC, or by any other means that results in the TIXC receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the TIXC.

The ability of the College to take disciplinary action against a Respondent may be limited if the Respondent is no longer a member of the College community at the time of the report or at the time the resolution and/or investigatory process is initiated or completed. If the Respondent is a staff member, faculty member or student and leaves the College while an investigation is pending, the Respondent will not be permitted to return to the College until the report or complaint has been resolved through this Procedure. Any individual, including a third party, who has experienced, witnessed or become aware of conduct prohibited by this Procedure can submit a report or file a complaint.

A. Online and Anonymous Reporting

CCAC maintains an online reporting system to receive complaints of Prohibited Conduct, including reported incidents of Title IX/Sexual Harassment Offenses. The [Civil Rights/Title IX Incident Report Form](#) can be accessed from the Office of Diversity, Equity and Inclusion page on the College's website and from the MyCCAC portal. **Please note that the Civil Rights/Title IX Incident Report Form can also be used to submit an anonymous report; however, the College's ability to address misconduct reported anonymously may be limited.**

All reports electronically submitted using the Civil Rights/Title IX Incident Report Form will be sent directly to the TIXC, and access to the report will be limited to the TIXC and/or other officials expressly authorized by the College to investigate and respond to reports and complaints received under this Procedure. No individual having access to data submitted through the College's online reporting system may share or disseminate such information to any other person except to the extent authorized by this Procedure or required by law.

B. Internal Reporting Options

Reports can also be submitted, verbally or in writing, to any of the offices and/or officials listed below. If the report falls under Process A/Title IX (Sexual Harassment), then a formal written and signed complaint will be required. If the Reporter or Complainant does not want to submit a written statement, the TIXC or their designee can prepare a statement of facts for approval by the Reporter or Complainant. A **Civil Rights Violation Complaint Form** is available for filing a formal complaint and for providing written statements (**Appendix A**).

Students:

Any student (credit or non-credit) can report Prohibited Conduct directly to the TIXC. Students can also report violations to any of the Officials with Authority (OWA) listed below without fear of retaliation.

Employees/Volunteers:

Any employee (faculty, staff or administrator) or volunteer can report Prohibited Conduct directly to the TIXC, the Civil Rights Investigator, the Vice President of Human Resources, the Assistant Vice President of Human Resources (contact information listed below) and/or to the employee's direct supervisor without fear of retaliation.

Guests and Independent Contractors/Third-Party Vendors:

Any guest or independent contractor/third-party vendor can report Prohibited Conduct to the TIXC and/or to the Office of Human Resources (contact information listed below) directly without fear of retaliation.

Officials with Authority (OWA) Contact Information:

The College has determined that the following administrators are Officials with Authority (OWA) to address and correct Prohibited Conduct. The Officials with Authority listed below may accept notice or complaints on behalf of the College.

Title IX Coordinator (TIXC)/Civil Rights Compliance Officer/ADA 504 Coordinator

Office of College Services
Allegheny Campus, Byers Hall 316
808 Ridge Avenue
Pittsburgh, PA 15212
412.237.4542
kschoos@ccac.edu

Civil Rights Investigator

Office of College Services
Allegheny Campus, Byers Hall 321
808 Ridge Avenue
Pittsburgh, PA 15212
412.237.4535
apietropaolo@ccac.edu

Vice President of Human Resources

Office of College Services, Suite 110
800 Allegheny Avenue
Pittsburgh, PA 15233
412.237.3001
kmanigault@ccac.edu

Assistant Vice President of Human Resources

Office of College Services, Suite 109
800 Allegheny Avenue
Pittsburgh, PA 15233
412.237.3034
dkaminski@ccac.edu

Associate Provost for Academic Affairs

Office of College Services (OCS), 219
800 Allegheny Avenue
Pittsburgh, PA 15233
412.237.8181
kmaxwell@ccac.edu

Associate Provost for Enrollment Management

Office of College Services (OCS), 221
800 Allegheny Avenue
Pittsburgh, PA 15233
724-325-6670
mlkennedy@ccac.edu

Dean of Students Office

Allegheny Campus, SSC 360
808 Ridge Avenue
Pittsburgh, PA 15212
412.237.2520
kspiker@ccac.edu

Dean of Students Office

Boyce Campus, S571
595 Beatty Road
Monroeville, PA 15146
724.325.6651
mutter@ccac.edu

Dean of Students Office

North Campus, N301
98701 Perry Highway
Pittsburgh, PA 15237
412.369.3654
vst.surin@ccac.edu

Dean of Students Office

South Campus, B343
1750 Clairton Road
West Mifflin, PA 15122
412.469.6201
tevans@ccac.edu

Chief Diversity, Equity and Inclusion Officer

Office of College Services
Allegheny Campus, Byers Hall 318
808 Ridge Avenue
Pittsburgh, PA 15212
412.237.4430
aperez-johnston@ccac.edu

No individual is required to report an alleged incident of Prohibited Conduct directly to the Respondent and/or the Respondent's supervisor. Further, if a report involves an OWA as a Respondent, then the report should be submitted to one or more of the other OWAs listed above, and/or submitted through the online Incident Report Form.

C. Mandatory Employee Reporting Responsibility

All College employees, including faculty, staff and administrators, are required to report any incidences of Prohibited Conduct, as described above, of which they become aware, either directly or through a third party, to the TIXC. As indicated in Section V, if a student discloses pregnancy/pregnancy-related conditions to an instructor, this information should be reported to the TIXC as it falls under the auspices of Title IX. Reports should be made in a timely manner, generally within 24-48 hours absent other exigent circumstances. The College is required to conduct a prompt, thorough and impartial investigation of Prohibited Conduct regardless of whether or not a Complaint is filed. Failure to report can result in disciplinary action, up to and including termination.

D. Privacy and Requests for Confidentiality or No Action

The College is committed to protecting the privacy of all individuals involved in an incident reported under this Procedure. Every effort will be made to protect the privacy interests of all individuals involved. This means that information related to such reports will only be shared with a limited circle of individuals, including individuals who “need to know” in order to assist in the review, investigation, or resolution of the report or to deliver resources or support services. All participants in an investigation of Process A/Title IX (Sexual Harassment), including Advisors and witnesses, will be informed that privacy helps enhance the integrity of the investigation and protect the privacy interests of the parties, and will be asked to keep any information learned in an investigation meeting or hearing confidential, to the extent consistent with applicable law.

Notwithstanding the foregoing, the College cannot guarantee absolute confidentiality with respect to reports received under this Procedure. As described in Section C above, all College employees have a duty to report incidents of which they become aware to the TIXC. If at any point a previously self-identified Reporter or Complainant requests that their name or other identifiable information be held confidential with respect to the Respondent, or decides not to pursue action by the College, the College will make all reasonable attempts to respond to the report or complaint consistent with that request.

However, the College’s ability to investigate and respond to the reported conduct may be limited in such a circumstance. Further, due to the fact that the College has a legal obligation to review all reports and complaints involving Prohibited Conduct, the College will weigh the request for confidentiality and/or no action against such factors as the seriousness of the alleged conduct, whether there have been other complaints or reports of a similar nature against the same Respondent, the College’s obligation to provide a reasonably safe and nondiscriminatory environment for all members of the College community, and the rights of the Respondent to receive notice and relevant information before disciplinary action is taken.

If the College determines that it is necessary to proceed with the complaint procedure or implement other appropriate remedies, the Complainant will be notified by the TIXC of the College’s chosen course of action. The TIXC has discretion over whether the College proceeds when the Complainant does not wish to do so, and the TIXC may sign a formal Complaint to initiate the formal resolution process upon completion of an appropriate risk assessment. This assessment can include compelling risk to health and/or safety may result from evidence of

patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The College may be compelled to act in response to alleged employee misconduct irrespective of a Complainant's wishes.

When the TIXC executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy. Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or formal resolution process, or refuses to participate in the same.

E. Community-Based Confidential Reporting Sources

The community resources listed below are available to assist individuals, on a confidential basis, who have been victims of sexual misconduct. Disclosing information to or seeking advice from one of these community-based resources does not constitute a report or complaint to the College, and will not result in a response or intervention by the College. A person consulting with a confidential resource may later decide to make a report to the College and/or law enforcement.

Pittsburgh Action Against Rape (PAAR)

81 S 19th Street

Pittsburgh, PA 15203

24-hour confidential hotline: 1-866-END-RAPE (1-866-363-7273)

Web: <https://paar.net/>

Women's Center and Shelter of Greater Pittsburgh

24-Hour Confidential Hotline: 412-687-8005

F. External Reporting Options

In addition to and/or in lieu of filing a complaint under this Procedure, a person may also file a complaint concerning Prohibited Conduct with the following governmental agencies:

US Department of Education, Office for Civil Rights (OCR)

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline #: (800) 421-3481 | Facsimile: (202) 453-6012

TTY#: (800) 877-8339 | Email: OCR.Philadelphia@ed.gov

Web: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>

Equal Opportunity Employment Commission (EEOC)

Pittsburgh Office

William S. Moorhead Federal Building

1000 Liberty Avenue, Suite 1112

Pittsburgh, PA 15222

1-800-669-4000

Pennsylvania Human Relations Commission (PHRC)

Pittsburgh Office

301 Fifth Avenue Suite 390, PiattPlace

Pittsburgh, PA 15222

(412) 565-5395

<https://www.phrc.pa.gov/Pages/default.aspx>

G. Reporting to Law Enforcement Authorities

In cases involving potential criminal misconduct, including acts of sexual misconduct and violence, the College encourages individuals to report the conduct to the law enforcement agency that has jurisdiction over the location where the incident occurred. If the conduct is reported to the College, the individual will be informed of their option to also report any potential criminal activity to the police. Members of the College Safety & Security Offices are available to assist the Complainant in contacting appropriate law enforcement authorities.

The College will generally respect a Complainant's choice whether to report an incident to local law enforcement or initiate a complaint under this Procedure, unless the College determines that there is an overriding interest with respect to the safety or welfare of the College community. However, if a report involves suspected abuse of a child (an individual under the age of 18 at the time of the incident(s) as reported), then College employees and volunteers are required to immediately and directly report the suspected abuse to Childline, either electronically at www.compass.state.pa.us/cwis or by calling 1-800-932-0313, in accordance with law and the **Procedures for Mandatory Reporting of Child Abuse** section of the College's *Administrative Regulations Manual*.

H. Federal Timely Warning Obligations

Victims of sexual misconduct should be aware that the College is required by law to issue timely warnings for incidents reported to them that pose a serious or ongoing threat to members of the campus community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed or included in such notifications, while still providing enough information for community members to make safety decisions in light of the potential danger. Additional information regarding how the College assesses and issues timely warnings and emergency notifications is set forth in the **Procedures and Criteria for Issuing Emergency Notifications, Timely Warnings and Other Alerts** section of the College's *Administrative Regulations Manual*.

VIII. SUPPORTIVE MEASURES

The College will offer and implement appropriate and reasonable supportive measures to all parties upon notice of Prohibited Conduct. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties or the College's educational environment, and/or Prohibited Conduct.

The TIXC or designee promptly makes supportive measures available to the parties upon receiving

notice or a complaint. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a formal complaint with the College either at that time or in the future, if they have not done so already.

The College will maintain the privacy of the supportive measures, provided that privacy does not impair the College's ability to provide the supportive measures. The College will act to ensure as minimal an academic impact on the parties as possible. The supportive measures will be implemented in a way that does not unreasonably burden the other party.

These measures may include, but are not limited to:

- Referral to Counseling/Employee Assistance Program
- Referral to community-based service providers
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the TIXC

IX. EMERGENCY REMOVAL

The College can act to remove a Respondent entirely or partially from its education program or activities, or employment, on an emergency basis if it is determined that the individual in an immediate threat to the physical health or safety of any member of the college community. The TIXC will work in conjunction with the Behavioral Intervention Team (BIT)/Care Team, Human Resources, Safety & Security, and College leadership to make the determination based upon standard, objective threat assessment procedures.

In all cases of emergency removal, the student/employee will be given notice of the action and the option to request a meeting with the TIXC prior to removal, or as soon thereafter as reasonably possible. During the meeting, the student/employee will have the opportunity to show cause why the removal should not be implemented, or should be modified. A Respondent may be accompanied by an Advisor of their choice when meeting with the TIXC. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. Prior to the meeting, the Respondent will be given access to a written summary of the basis of the emergency removal to allow for adequate preparation. If this meeting is not requested within 48 hours of being provided notice, objections to the emergency removal will be deemed waived.

A Complainant and their Advisor may be permitted to participate in this meeting if the TIXC determines it is equitable to do so. There is no appeal process for emergency removal decisions. The TIXC in conjunction with appropriate Administrators will determine to implement or stay

an emergency removal and determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the TIXC and appropriate Administrators, these actions could include, but are not limited to: temporarily re-assigning 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, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

X. STANDARD OF PROOF

The **preponderance of the evidence** standard will be used for all investigations of complaints alleging Prohibited Conduct. This standard of the evidence demonstrates that it more likely than the conduct occurred, and will be used to determine whether or not an individual has violated College policy.

XI. CIVIL RIGHTS/TITLE IX COMPLAINT PROCESSES

The College has developed two separate formal resolution processes within this Procedure to address Prohibited Conduct involving students and employees. Unionized or other categorized employees will be subject to the terms of their respective Collective Bargaining Agreements to the extent those Agreements do not conflict with federal or state compliance obligations. Redress and requests for responsive actions for incidents involving guests, volunteers and independent contractors/third-party vendors are also covered by this Procedure.

Process A/Title IX will address complaints alleging Title IX/Sexual Harassment Offenses.

Process B/Civil Rights will address complaints alleging Discrimination, Discriminatory Harassment, Retaliation, and other Prohibited Conduct that does not meet the definition of a Title IX/Sexual Harassment Offense.

The TIXC will determine if alleged misconduct falls within the scope of Process A/Title IX or Process B/Civil Rights. Upon receipt of a complaint or notice to the TIXC of an alleged violation, an initial assessment will be done to determine the next steps. The College will initiate at least one of three responses:

1. Offering supportive measures because the Complainant does not want, or refuses, to proceed formally.
2. An informal resolution (Process B/Civil Rights only).
3. A Formal Grievance Process including an investigation and/or hearing.

XII. PROCESS A/TITLE IX (SEXUAL HARASSMENT)

A. Initial Complaint Assessment

Following receipt of notice or a complaint of Prohibited Conduct, the TIXC engages in an initial assessment. The steps in an initial assessment can include:

1. If notice is given, the TIXC seeks to determine if the person affected/Complainant wishes to make a formal, written Complaint, and will assist them to do so, if desired. If they do not wish to do so, the TIXC determines whether to initiate a Complaint due to a compelling threat to the health and/or safety of any member of the College community.
2. Upon receipt of notice/a formal Complaint, the TIXC and/or designee will reach out to the Complainant to offer supportive measures and provide information about the complaint and resolution processes.
3. If, after initial assessment of a written report or Complaint, the TIXC determines that the report/Complaint alleges a Title IX/Sexual Harassment Offense, the case will move forward to Process A/Title IX.
4. At the time of filing a formal Process A/Title IX Complaint, a Complainant must be participating in or attempting to participate in an Education Program or Activity of the College, or an employee.
5. **Mandatory Dismissal:** If the allegations in the Complaint would not constitute a Title IX/Sexual Harassment Offense, even if proved, or did not occur in an Education Program or Activity against a person in the United States, **the College must dismiss the Title IX/Sexual Harassment Offense Complaint.** However, if the conduct alleged in the Complaint would, if proven, also violate the College's Student Code of Behavioral Conduct, the Employee Manual, and/or constitute other Prohibited Conduct, the Complaint may be processed under and subject to sanctions imposed pursuant to the College's Student Code of Behavioral Conduct, the Employee Manual, and/or the Process B/Civil Rights procedure set forth in Section XIII below, as applicable.

B. Respondent Written Notice

Upon opening an investigation, the TIXC will provide the Respondent with written notice of the allegations that are the subject of the Complaint. The notice will include sufficient detail to enable the Respondent to prepare a response to the allegations prior to any initial investigatory interview, and to identify and choose an Advisor to accompany them to the interview. The Complainant will be informed in advance of when the notice will be delivered to the Respondent.

Amendments and updates to the notice may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official

College records, or emailed to the parties' College-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

C. Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process described in this Section XII, if they so choose. The parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.

The College cannot guarantee equality with respect to the background, qualifications and skills of Advisors selected by the parties. This means that if one party selects an Advisor who is an attorney, but the other party does not select an attorney or cannot afford an attorney to serve as an Advisor, the College is not obligated to provide that party with an attorney.

1. Advisor Selection

- a. The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the College community.
- b. The TIXC will also offer to assign a trained Advisor for any party if the party so chooses. If a party chooses an Advisor from the pool available from the College, the Advisor will be trained by the College and be familiar with this Procedure.
- c. Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Hearing Decision-Maker(s).

2. Advisor Role

- a. Process A/Title IX requires cross-examination during the hearing, which must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the College will appoint a trained Advisor for the limited purpose of conducting any cross-examination.
- b. A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, the College will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Hearing Decision-Maker during the hearing.
- c. The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews.

Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

D. Investigation Process

All investigations will be conducted in a thorough, reliable, impartial, prompt, and fair manner. Investigations will include interviews with all relevant parties and witnesses; endeavor to obtain available, relevant documents and evidence; and identify sources of expert information, as necessary. Good faith effort will be made to conclude the investigation within a reasonable time. If a party refuses to participate in the investigatory process, the investigator will make their findings based upon the information available to them.

All parties will be provided with full and fair opportunity, throughout the investigatory process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The TIXC will make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible.

In the event that a report or Complaint is also the subject of a separate, external criminal investigation, the College will continue to make good faith efforts to investigate the alleged conduct and take action to address the effects of Prohibited Conduct at its campuses/centers or in the work or educational environment.

Prior to the conclusion of the investigation, the parties and their respective Advisors (if so desired by the parties) will be provided a secured electronic or hard copy of the draft investigation report, as well as an opportunity to inspect and review all of the directly related evidence obtained for a ten (10) business day, or less, review and comment period so that each party may meaningfully respond to the evidence.

The Investigator will incorporate any relevant feedback, and the final report will then 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 are also provided with a file of any directly related evidence that was not included in the report. The Investigator(s) should document all rationales for any changes made after the review and comment period.

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

The Title IX Coordinator will select an appropriate Hearing Decision-Maker or Hearing Panel from the trained pool (Section: XII: E.1) and provide a copy of the investigation report.

E. Live Hearing Board (LHB)

1. Membership

- a. Each Live Hearing Board (LHB) will be comprised by a single Hearing Decision-Maker or a three-member (3) Hearing Panel, selected from a pool of trained potential hearing board members at the discretion of the TIXC. If a single Hearing Decision-Maker is selected, the Hearing Decision-Maker will also serve as the Hearing Chair. If a three-member Hearing Panel is chosen, one (1) of the three (3) members of the panel will be appointed as Hearing Chair by the TIXC.
- b. The LHB membership pool will be comprised of individuals from the following College departments and/or offices:
 - Associate Provosts
 - Deans and/or Associate Deans of Academic Affairs
 - Office of Human Resources
 - Deans of Students
 - Campus Safety and Security Directors
 - Office of Supportive Services Directors
 - Full-Time Faculty/Campus Diversity Officers
 - Alternate Administrators, as may be identified and trained in accordance with this Procedure

STUDENTS CANNOT SERVE ON THE LHB

2. Training

- a. Members of the LHB will be trained in all aspects of this Procedure, and can serve in any of the following roles at the direction of the TIXC:
 - Hearing Decision-Maker (single)
 - Hearing Panel Members
 - Advisors
- b. Training content will include:

The scope of the College's Civil Rights and Title IX/Sexual Harassment policies and procedures; definitions of all offenses; guidelines for conducting questioning; evidence weighing and relevance; fairness, equity and due process standards; applicable laws, regulations, and federal regulatory guidance – including Rape Shield protections; impartiality, conflicts of interest, and bias; presumption that a Respondent is not responsible for alleged conduct until proven to be responsible; rendering findings and generating evidence-based rationales; and technology training for live hearings.

3. Proceeding

- a. LHB Notice and Alleged Violation(s)
 - No less than ten (10) business days prior to the hearing, the TIXC will send

notice of the hearing to the parties.

- Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.
- The notice will contain:
 - A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
 - The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
 - Any technology that will be used to facilitate the hearing.
 - Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Hearing Decision-Maker/Panel and parties to see and hear a party or witness answering questions. Such a request must be raised with the TIXC at least five (5) business days prior to the hearing.
 - A list of all those who will attend the hearing, along with an invitation to object to the Hearing Decision-Maker or member of the Hearing Panel on the basis of demonstrated bias. The objection must be raised with the TIXC at least two (2) business days prior to the hearing.
 - Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
 - A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Hearing Decision-Maker/Panel.
- For compelling reasons, the Hearing Decision-Maker/Panel may reschedule the hearing.
 - 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. The party must notify the TIXC if they do not have an Advisor, and the College will appoint one. Each party must have an Advisor present. There are no exceptions.
 - A copy of all the materials provided to the Hearing Decision-Maker/Panel about the matter, unless they have been provided already.
 - An invitation to each party to submit an impact statement to the Hearing Chair prior to the hearing for consideration by the Hearing Decision-Maker/Panel during any sanction determination.
 - An invitation to contact the TIXC to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
 - Whether parties can/cannot bring mobile phones/devices into the hearing.

b. Alternative Hearing Participation Options

- If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the TIXC or the Hearing Chair at least five (5) business days prior to the hearing.

- The TIXC or Hearing Chair can 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 TIXC or Hearing Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

c. Hearing Preparation

- The TIXC will give the Hearing Decision-Maker/Panel a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Hearing Decision-Maker or Hearing Panel member who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing.
- If a Hearing Decision-Maker or Hearing Panel member is unsure of whether a bias or conflict of interest exists, they must raise the concern to the TIXC as soon as possible.
- During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Hearing Decision-Maker/Panel.

d. Joint Hearings

- In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.
- However, the TIXC may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

e. Hearing Procedure

- The Hearing Chair explains the hearing process. This may include a final opportunity for challenge or recusal of the Hearing Decision-Maker or any member of the Hearing Panel on the basis of bias or conflict of interest. The TIXC will rule on any such challenge.
- The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Hearing Decision-Maker/Panel and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.
- Neither the parties nor the Hearing Decision-Maker/Panel members should ask the Investigator(s) their opinions on credibility, recommended findings, or

determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. The Investigator will not be permitted to state their opinions regarding credibility, recommended findings, or determinations. If such information is introduced, the Hearing Chair will direct that it be disregarded.

- Once the Investigator presents their report and is questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Hearing Chair. The parties/witnesses will submit to questioning by the Hearing Decision-Maker/Panel and then by the parties through their Advisors (**i.e., “cross-examination”**).
- All questions are subject to a relevance determination by the Hearing Decision-Maker/Panel. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing.
- The Hearing Decision-Maker/Panel may explore arguments regarding relevance with the Advisors. The Hearing Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance. The grounds for disallowing a question can be if it is irrelevant, unduly repetitious, or abusive. The Hearing Decision-Maker/Panel may consult with legal counsel on any questions of admissibility.
- Parties may be prohibited from introducing new evidence or new witnesses at the hearing if either reasonably could have been shared during the investigation stage and included in the Investigative report, unless all parties consent to such admission.
- If a party or witness chooses not to submit to cross-examination at the hearing, then the Hearing Decision-Maker/Panel may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Hearing Decision-Maker/Panel must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered. The Hearing Decision-Maker/Panel may not draw any inference solely from a party’s or witness’s absence from the hearing or refusal to cross-examination.
- A party’s Advisor of choice may be dismissed from the hearing (or from any other process provided under this Procedure), in the sole discretion of the TIXC and/or Hearing Chair, if the Advisor refuses to comply with the College’s established rules of decorum for the hearing. If an Advisor is dismissed, the College may provide the party with a different Advisor to conduct cross-examination, or the party may choose an alternate.

f. Record of Proceeding

- Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.
- The Hearing Decision-Maker/Panel, the parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the

recording in a controlled environment determined by the TIXC.

- No person will be given or be allowed to make a copy of the recording without the permission of the TIXC.

g. Deliberation and Determination

- The Hearing Decision-Maker/Panel will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the violation(s) in question. If a hearing panel is used, a simple majority vote is required to determine the finding.
- Any evidence that the Hearing Decision-Maker/Panel determines is relevant and credible may be considered. The Hearing Decision-Maker/Panel may not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 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 that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- When there is a finding of responsibility on one or more of the allegations, the Hearing Decision-Maker/Panel may then consider any previously submitted party impact statements in determining appropriate sanction(s).
- The TIXC will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Hearing Decision-Maker/Panel may, at their discretion, consider the statement(s) but they are not binding.
- The Hearing Decision-Maker/Panel will then prepare a written deliberation statement and deliver it to the TIXC, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions or recommendations. The Hearing Decision-Maker/Panel will base their determination on a **preponderance of the evidence standard** (i.e., whether it is more likely than not that the accused individual committed each alleged violation).

h. Notice of Outcome

- Using the deliberation statement, the TIXC will prepare a Notice of Outcome. The Notice of Outcome will then be reviewed by the College's legal counsel. The TIXC will then share the letter, including the final determination, rationale, and any applicable sanction(s), with the parties and their Advisors within seven (7) business days of receiving the Hearing Decision-Maker/Panel's deliberation statement.
- The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties'

College-issued email address or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

- The Notice of Outcome will identify the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the College from the receipt of the Complaint to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.
- The Notice of Outcome will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

F. Sanctions/Corrective Actions

1. For Student Respondents

- a. **Educational Sanctions:** An activity assigned to provide a student the opportunity to review conduct expectations, understand how behavior can contribute to a positive and beneficial College experience and learn of campus/community resources that support academic and non-academic success. Examples may include, but are not limited to: writing a research or reflective paper, attending seminars, taking online educational activities and/or meeting with members of various College offices.
- b. **Warning:** A formal statement/letter that the behavior was unacceptable and a warning that further infractions of any College Policy, Procedure or directive will result in more severe sanctions/responsive actions.
- c. **Probation:** A written reprimand for violation of this Procedure, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any College Policy, Procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, no contact orders and/or other measures deemed appropriate.
- d. **Suspension:** Termination of student status for a definite period of time not to exceed two (2) years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at College.
- e. **Expulsion:** Permanent termination of student status, revocation of rights to be on campus for any reason or attend College-sponsored events.
- f. **Withholding Diploma:** The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a complaint pending or as a sanction if the student is found responsible for an alleged violation.

- g. **Organizational Sanctions:** Deactivation, de-recognition, loss of all privileges (including College registration), for a specified period of time.
 - h. **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.
2. **For Employee Respondents***
- a. **Verbal or Written Warning:** A formal statement/letter in employee file indicating that the behavior was unacceptable and a warning that further infractions of any College Policy, Procedure or directive will result in more severe sanctions/responsive actions.
 - b. **Required Training or Education:** A training assigned to provide the employee with additional education and/or resources. Examples may include, but are not limited to: online training modules, consultations with Human Resources, the Office of Diversity, Equity and Inclusion, and/or another appropriate College office.
 - c. **Demotion/Loss of Supervisory Responsibilities**
 - d. **Suspension With/Without Pay**
 - e. **Termination**
 - f. **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

** If the Hearing Decision-Maker/Hearing Panel concludes that the investigation supports a finding of responsibility against an employee Respondent, then the employee will be notified of such finding and shall be entitled to all due process rights available to them under applicable Collective Bargaining Agreements and/or College policies prior to any final determination of responsibility and potential disciplinary action.*

G. Appeals

Any party may file a Request for Appeal, which must be submitted in writing to the TIXC within five (5) business days of the delivery of the Notice of Outcome. Upon receipt of the appeal, the TIXC will appoint a single Appeal Decision-Maker or a three-person (3) Appeal Panel to hear and render a decision on the appeal. The Appeal Decision-Maker/Appeal Panel members will be selected from the LHB membership pool and cannot have had any prior involvement in the resolution process for the matter that is the subject of the appeal. If an Appeal Panel is used, the TIXC will appoint one of the members of the panel to serve as the Appeal Chair. If a single Appeal Decision-Maker is used, then they shall serve as the Appeal Chair.

1. Grounds for Appeal

- a. Appeals are limited to the following grounds:

- i. Procedural irregularity that affected the outcome of the matter;
 - ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, which could affect the outcome of the matter; and
 - iii. The TIXC, Investigator(s), the Hearing Decision-Maker, or a member of the Hearing Panel had a conflict of interest or bias against the Complainant(s) or Respondent(s) generally or specifically that affected the outcome of the matter.
- b. If any proposed grounds for appeal do not meet the standards outlined above, the request will be denied by the Appeal Chair and the party(ies) and their Advisor will be notified accordingly in writing of the denial and rationale.
 - c. If any of the proposed grounds for appeal meet the standards outlined in this policy, the Appeal Chair will notify the other party(ies) and their Advisors, the TIXC, and when appropriate, the Investigator(s) and/or original Hearing Decision-Maker/Panel.
 - d. The other party(ies) and their Advisor will be mailed, emailed, and/or provided a hard copy of the Request for Appeal with the approved grounds. They will be given seven (7) business days to respond to the section of the appeal that was approved and involves them, and/or to submit a new Request for Appeal. All responses, if any, will be forwarded by the Appeal Chair to all parties for review and comment for a period of five (5) business days after receipt of any responses from the non-appealing party.
 - e. Neither party will be permitted to submit any new Requests for Appeal after this time period.
 - f. The Appeal Decision-Maker/Panel will collect any additional information or documentation needed regarding the approved appeals, and will render a decision no more than five (5) business days after the closure of the review and comment period described in subsection (d) above.
 - g. A Notice of Appeal Outcome will be sent to all parties simultaneously, and will specify the finding and rational on each ground for appeal, any specific instructions for remand or reconsideration, and any sanctions that may result from the appeal.
 - h. Notifications will be made in writing and may be delivered by mail or email. Once mailed/emailed and/or received in person, notice will be presumptively delivered.
 - i. Once an appeal is decided, the outcome is final. Further appeals are not permitted.

2. Sanctions/Corrective Actions Status During the Appeal

Any sanctions imposed by the Hearing Decision-Maker/Panel will remain in effect during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures outlined in Section VIII. If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed in Section IX) for a hearing on the justification for doing so must be

permitted within 48 hours of implementation. The College may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

XIII. PROCESS B/CIVIL RIGHTS

A. Initial Complaint Assessment

Following receipt of notice or a Complaint of alleged Prohibited Conduct, the TIXC engages in an initial assessment. The steps in an initial assessment can include:

1. If, after initial assessment of a written report or complaint, the TIXC determines that the report/complaint alleges Prohibited Conduct under this Procedure that does not constitute a Title IX/Sexual Harassment Offense, the case will move forward to the Process B/Civil Rights as described in this Section XIII.
2. If a formal Complaint is received, the TIXC assesses its sufficiency and works with the Complainant to make sure it is correctly completed. The TIXC/Civil Rights Investigator works with the Complainant to determine whether the Complainant prefers a supportive/remedial response, an informal resolution option, or a formal investigation process.
3. If notice is given, the TIXC seeks to determine if the person affected wishes to make a formal Complaint, and will assist them to do so, if desired. If they do not wish to do so, the TIXC determines whether to initiate a Complaint due to a compelling threat to the health and/or safety of any member of the College community.

B. Respondent Written Notice

The TIXC will provide written notice of the investigation and allegations to the Respondent upon commencement of the formal investigation process. This facilitates the Respondent's ability to prepare for the interview and, should they choose to, identify an Advisor to accompany them. The Complainant will be informed in advance of when the notice will be delivered to the Respondent. Amendments and updates to the notice may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official College records, or emailed to the parties' College-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

C. Right to an Advisor

If a Complainant or Respondent desires, they may be accompanied by an Advisor of their choice at any informal meeting, investigatory interview, administrative hearing or Civil Rights Hearing Board (CRHB) hearing conducted under this Process B/Civil Rights.

1. Advisor Selection

- a. Typically, Advisors are members of the College community; however, either party is free to utilize an outside party, including an attorney, as an Advisor.
- b. Complainants and Respondents are required to notify the TIXC of the name and position of the Advisor that will accompany them in advance of any scheduled proceeding. Accommodations, including scheduling or rescheduling of interviews or hearings, will not be made for Advisors, including attorneys, if the requested accommodation would unduly delay the process.

2. Advisor Role

- a. The parties are expected to ask and respond to questions on their own behalf during any investigatory interview or hearing, without representation by their Advisor.
- b. A Complainant/Respondent and Advisor may consult with each other, quietly or in writing during a proceeding, or outside the interview room or hearing room during a break, but the Advisor may not speak for or on behalf of the Complainant/Respondent during any proceeding in either the Informal or Formal Phases, or represent or advocate on behalf of the Complainant or Respondent during any administrative hearing or at any CRHB proceeding.

D. Investigation Process

All investigations will be conducted in a thorough, reliable, impartial, prompt, and fair manner. Investigations will include interviews with all relevant parties and witnesses; endeavor to obtain all available, relevant evidence; and identify sources of expert information, as necessary. Good faith effort will be made to conclude the investigation within a reasonable time. If a party refuses to participate in the investigatory process, the investigator will make their findings based upon the information available to them.

All parties will be provided with full and fair opportunity, throughout the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record. Parties will have the opportunity to raise the issue of a potential conflict of interest within two (2) days of being advised of the identity of the investigator or CHRB member. The TIXC will determine if a conflict of interest exists. No investigator or CHRB member will make findings or determination in a case in which they have been determined to possess a conflict of interest.

In the event that a report or Complaint is also the subject of a separate external criminal investigation, the College will continue to make good faith efforts to investigate the alleged conduct and take action to address the effects of any Prohibited Conduct on its campuses or in the work or educational environment.

If the Respondent admits to engaging in conduct that constitutes a violation, the

TIXC/Civil Rights Investigator, in conjunction with appropriate administrators, will impose appropriate sanctions. **Such a disposition will be final and there will be no subsequent or appeal proceedings, unless the sanctions include suspension or expulsion of a student or termination of an employee.** In that case, the Respondent may request a hearing by the Civil Rights Hearing Board (CRHB) (see Section XIII: F) or if the Respondent is an employee, they may alternatively challenge the determination through procedures afforded under any Collective Bargaining Agreement or College policy applicable to the employee.

If the allegations that are the subject of the complaint are disputed or denied by the Respondent, then the TIXC/Civil Rights Investigator or their designee will complete the investigation and based upon an evaluation of available evidence, including both inculpatory and exculpatory evidence, make a determination that will be included in a written case summary report and provided to both parties. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

- If the TIXC and appropriate administrators conclude that the investigation supports a finding of responsibility against an employee Respondent, then the employee will be notified of such finding and shall be entitled to all due process rights available to them under applicable Collective Bargaining Agreements and/or College policies prior to any final determination of responsibility and potential disciplinary action. Employee Respondents may also utilize the CHRB to appeal the TIXC decision by providing written notice to the TIXC within five (5) business days of receiving the case summary report.
- If the TIXC concludes that the investigation supports a finding of responsibility against a student Respondent, then the student will be notified of such finding. Within five (5) business days of the date of notification, the student Respondent may then elect to have the Complaint against them adjudicated through either an administrative hearing with the Student Conduct Manager or a hearing before the CRHB for a final determination of responsibility and appropriate sanctions.

If the TIXC concludes that the investigation does not support a finding of responsibility against a Respondent, each of the parties will be notified of the results of the investigation, and the case will be considered closed with no further right of appeal by either party.

E. Informal Resolution/Mediation

Informal resolution options, such as mediation or restorative justice, are often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal process to resolve conflicts. If both parties agree to informal resolution measures, the TIXC, in conjunction with appropriate administrators, will be responsible for facilitating a dialogue and/or an educational session for the Complainant and Respondent, either separately or collectively, regarding these options. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution and proceed with the complaint through the formal Process B/Civil Rights process.

Informal resolution options will not be offered to resolve cases where a complaint alleges

that an employee sexually harassed a student.

F. Civil Rights Hearing Board (CRHB)/Appeal

As detailed in Section XIII: D, the Civil Rights Hearing Board is an appeal option in the following circumstances:

- If a Respondent admits to engaging in conduct that constitutes a violation of this policy and the recommended sanction include suspension/expulsion of a student or termination of an employee.
- If a Respondent was found responsible for an allegation that the Respondent disputes or denies.

1. Membership

- a. Each Civil Rights Hearing Board (CRHB) will have a minimum of three (3) members, comprised of a Chairperson (appointed by the TIXC) and two (2) individuals selected from the CRHB membership pool. Any individual who participated in the initial investigation will not be permitted to serve on the CRHB to ensure impartiality.
- b. The CRHB membership pool will be comprised of individuals from the following departments following College departments and/or offices:
 - Associate Provosts
 - Deans and/or Associate Deans of Academic Disciplines
 - Office of Human Resources
 - Deans of Students
 - Campus Safety and Security Directors
 - Office of Supportive Services Directors
 - Full-Time Faculty/Campus Diversity Officers
 - Alternate administrators, as may be identified and trained in accordance with this Procedure

STUDENTS CANNOT SERVE ON THE CRHB

2. Training

Members of the CRHB will be trained in all aspects of this Procedure, and can serve in any of the following roles at the direction of the TIXC:

- a. Chairperson(s)
- b. Hearing Board Members
- c. Advisors

3. Proceeding

a. CRHB Notice and Alleged Violation(s)

At least five (5) days prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the TIXC will send a letter to the parties with the following information:

- A description of the alleged violation(s), a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result;
- The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence (for compelling reasons, the hearing may be rescheduled);
- Notice that the parties may have the assistance of an Advisor of their choice at the hearing
- Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

b. Hearing Procedure

The Complainant and/or Respondent may present any new evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, and could affect the outcome of the matter.

Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer, as needed.

c. Determination of Responsibility

The CRHB will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the violation(s) in question.

The CRHB may consider information about previous behavior and/or complaints regarding the Respondent if:

- The Respondent was previously found to be responsible for a similar violation;
- The previous incident was substantially similar to the present allegation, even if the individual was not found responsible for a violation; or
- The information indicates a pattern of behavior by the Respondent and substantial conformity with the present allegation.

The CRHB will base its determination on a **preponderance of the evidence** (i.e., whether it is more likely than not that the accused individual committed each alleged violation). If an individual Respondent or organization is found responsible

by a majority of the CRHB, the CRHB will also recommend appropriate sanctions to the TIXC.

d. Record of Proceeding

- Proceedings before the CRHB will be recorded. It is not necessary that a certified court reporter be used in the proceedings. An audio recording or minutes of the proceedings will be sufficient.
- The parties may not record the proceedings and no other unauthorized recordings are permitted.
- In the event a transcript of the proceedings is requested, the person so requiring will pay the cost of reproduction.

e. **Determination of Sanction(s)**

Sanctions or responsive actions will be determined by the CRHB. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of and circumstances surrounding the violation;
- An individual's disciplinary history;
- Previous complaints or allegations involving similar conduct;
- Any other information deemed relevant by the CRHB;
- The need for sanctions/responsive actions to bring an end to the Prohibited Conduct;
- The need for sanctions/responsive actions to prevent the future recurrence of Prohibited Conduct; and
- The need to remedy the effects of the Prohibited Conduct on the victim and the community.

f. **Notice of Outcome**

- The Chair of the CRHB will prepare a written deliberation report and deliver it to the TIXC, detailing the finding, how each member voted (“**Responsible**” or “**Not Responsible**”), the information cited by the panel in support of its recommendation, and any information the CRHB excluded from its consideration and why. The report should conclude with any recommended sanctions. This report must be submitted to the TIXC within three (3) business days of the end of the hearing, barring any exigent circumstances.
- The TIXC will inform the Respondent and Complainant of the final determination of the CRHB within five (5) business days of the hearing, barring any exigent circumstances. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in College records; or emailed to the parties' College-issued email account. Once mailed, emailed

and/or delivered in-person, notice will be presumptively delivered.

- The notice will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any sanctions issued.
- The decision of the CRHB is final. There are no further levels of appeal.

G. Sanctions

1. For Student Respondents

- Educational Sanctions:** An activity assigned to provide a student the opportunity to review conduct expectations, understand how behavior can contribute to a positive and beneficial College experience and learn of campus/community resources that support academic and non-academic success. Examples may include, but are not limited to: writing a research or reflective paper, attending seminars, taking online educational activities and/or meeting with members of various College offices.
- Warning:** A formal statement/letter that the behavior was unacceptable and a warning that further infractions of any College Policy, Procedure or directive will result in more severe sanctions/responsive actions.
- Probation:** A written reprimand for violation of this Procedure, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any College Policy, Procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, no contact orders and/or other measures deemed appropriate.
- Suspension:** Termination of student status for a definite period of time not to exceed two (2) years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at College.
- Expulsion:** Permanent termination of student status, revocation of rights to be on campus for any reason or attend College-sponsored events.
- Withholding Diploma:** The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a complaint pending or as a sanction if the student is found responsible for an alleged violation.
- Organizational Sanctions:** Deactivation, de-recognition, loss of all privileges (including College registration), for a specified period of time.

- h. **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

2. For Employee Respondents

- a. **Verbal or Written Warning:** A formal statement/letter in employee file indicating that the behavior was unacceptable and a warning that further infractions of any College Policy, Procedure or directive will result in more severe sanctions/responsive actions.
- b. **Required Training or Education:** A training assigned to provide the employee with additional education and/or resources. Examples may include, but are not limited to: online training modules, consultations with Human Resources, the Office of Diversity, Equity and Inclusion, and/or another appropriate College office.
- c. **Demotion/Loss of Supervisory Responsibilities**
- d. **Suspension With/Without Pay**
- e. **Termination**
- f. **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

H. Sanctions/Corrective Actions Status During the Appeal (CRHB)

Any sanctions imposed prior to appeal to the CRHB will remain during the hearing process. Supportive measures may be reinstated, subject to the same supportive measure procedures outlined in Section VIII. If any of sanctions are to be implemented prior to the hearing, then emergency removal procedures (detailed in Section IX) for a hearing on the justification for doing so must be permitted within 48 hours of implementation. The College may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

XIV. WITHDRAWAL OR RESIGNATION WHILE CHARGES PENDING

A. Student Respondent

Should a student Respondent refuse to 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 with a dismissal, as the College would no longer have disciplinary jurisdiction over a withdrawn student.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g. one semester), the resolution process may continue remotely and the student is not permitted to return to the College unless and until all sanctions, if any, have been satisfied.

B. Employee Respondent

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends with dismissal, as the College no longer has disciplinary jurisdiction over a resigned employee.

The employee who resigns with unresolved allegations pending is not eligible for admission or rehire with the College, and the records retained by the TIXC will reflect that status. College responses to future inquiries regarding employment references for said employee could include that the former employee resigned during a pending disciplinary matter.

XV. LONG-TERM REMEDIES/ACTIONS

- A. Following the conclusion of the resolution process, and in addition to any sanctions implemented, the TIXC may implement long-term remedies or actions with respect to the parties and/or the campus community to stop Prohibited Conduct; remedy its effects; and prevent its recurrence.
- B. These remedies/actions may include, but are not limited to:
 - Referral to counseling and health services
 - Referral to the Employee Assistance Program
 - Education to the community
 - Permanent alteration of work arrangements for employees
 - Provision of campus safety escorts
 - Climate surveys
 - Policy modification
 - Provision of transportation accommodations
 - Implementation of long-term contact limitations between the parties
 - Implementation of adjustments to academic deadlines, course schedules, etc.
- C. At the discretion of the TIXC, long-term remedies may also be provided to the Complainant even if no policy violation is found.
- D. When no policy violation is found, the TIXC will address any remedial requirements owed by the College to the Respondent.

XVI. COMPLAINT RESOLUTION TIME FRAME

The College will make a good faith effort to resolve all Complaints in a reasonable timeframe in order to ensure fundamental fairness to all parties and provide a prompt, fair and impartial resolution process. Extenuating circumstances that may delay completion of the process include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, breaks in the academic calendar and other unforeseen or exigent circumstances.

XVII. TIME LIMITS ON REPORTING

There is no time limitation on providing notice/complaints to the TIXC. However, if the Complainant and/or Respondent are no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

XVIII. FALSE REPORTING

It is a violation of College policy to file a knowingly false or malicious Complaint alleging Prohibited Conduct, or to knowingly provide false information in connection with an investigation into a Complaint filed under this Procedure. Violations of this standard will result in disciplinary action. A Complaint filed in good faith under this Procedure will not result in disciplinary action.

XIX. RETALIATION

Applicable law and College policies strictly prohibit retaliation against any person who, in good faith, reports or makes a report or Complaint under this Procedure or who testifies, assists or participates in any manner in any investigation or proceeding conducted hereunder. Any person who engages in prohibited retaliation will be subject to discipline, up to and including termination of an employee and/or expulsion of a student. Any person who feels that they are a victim of retaliation may file a report or Complaint as provided under this Procedure or contact the TIXC immediately.

XX. RECORD RETENTION

The College shall retain documents related to reports or Complaints received under this Procedure as required by law. The TIXC shall be primarily responsible for records related to all Complaints of Prohibited Conduct received under this Procedure in accordance with *Board Policy II.08: Records Management*.

XXI. STATEMENT OF RIGHTS OF THE PARTIES

All parties involved in processes under the auspices of this Procedure have a right to the following:

- To be treated with dignity and respect by College officials.
- An equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to College officials.
- Not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- To have College policies and procedures followed without material deviation.
- Not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- Not to be discouraged by College officials from reporting Title IX/Sexual Harassment Offense or other Prohibited Conduct to both on-campus and off-campus authorities.
- 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.

- To have allegations of Prohibited Conduct responded to promptly and with sensitivity by College officials.
- 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.
- To a College implemented no-contact 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.
- To be informed of available assistance in changing academic, and/or working situations after an alleged incident of Prohibited Conduct, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available.
- 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.
- To receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- Not to have irrelevant prior sexual history or character admitted as evidence.
- To a fair opportunity to provide the Investigator with their account of the alleged misconduct and have that account be on the record.
- To have reports of alleged Prohibited Conduct addressed by Investigators, Title IX Coordinators, and Decision-Makers who have received relevant training.
- To preservation of privacy, to the extent possible and permitted by law.
- To meetings, interviews, and/or hearings that are closed to the public.
- To have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- To have an impact statement considered by the Decision-Maker following a determination of responsibility for any allegation, but prior to sanctioning.
- 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.
- To a fundamentally fair resolution as defined in this Procedure.

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