

Procedures for Title IX Sexual Harassment

These procedures apply to locations, events, or circumstances for which Ranken Technical College exercised substantial control over both the Complainant and the Respondent and the context in which the Title IX Sexual Harassment occurred at the time of the alleged incident. This includes any building owned or controlled by a student organization that is officially recognized by the College. These procedures apply to conduct that occurs in the United States.

Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Discrimination or Harassment based on Sex not meeting the definitions and/or jurisdictional requirements set out in these procedures will be addressed under the College's Policy on Prohibited Discrimination, Harassment and Related Misconduct and accompanying procedures.

1. Title IX Coordinator/Title IX Investigator

Ranken Technical College has designated and authorized a Title IX Coordinator as well as a Title IX Investigator to coordinate its efforts to comply with its responsibilities under 34 C.F.R. Part 106. The College will notify applicants for admission and employment, students, employees, contractors, and vendors of the name and title, office address, electronic mail address, and telephone number of the Title IX Coordinator.

The College's Title IX Coordinator is: The College's Title IX Investigator is:

Jodi Olson

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2. Response to a Report of Sexual Harassment

Any person may report sex discrimination, including Sexual Harassment, to the Title IX Coordinator or Title IX Investigator in person, by mail, by telephone, by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made whether the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment. Reports may be made at any time, including during non-business hours, by using the contact information listed above.

Upon receipt of a report of Sexual Harassment, the Title IX Coordinator or Title IX Investigator will promptly contact the Complainant to:

- Discuss the availability of Supportive Measures;
- Determine the Complainant's wishes with respect to Supportive Measures;

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- Inform the Complainant of the availability of Supportive Measures regardless of whether a Formal complaint is filed; and
- Explain to the Complainant the process for filing a formal complaint of Title IX Sexual Harassment, as defined in the Title IX Sexual Harassment Policy.

The Title IX Coordinator/Title IX Investigator will also, where appropriate, refer the matter to other members of the campus community to ensure the incident doesn't pose a serious threat of disruption to the academic process or workplace environment. If the campus personnel determine such conditions exist, they may impose several measures, alone or in combination, pending the conclusion of the resolution process.

The resolution process begins with the filing of a formal complaint with the Title IX Coordinator/Title IX Investigator.

A. Filing a Formal Complaint

A Complainant may file a formal complaint with the Title IX Coordinator/Title IX Investigator in person, by mail, or by electronic mail using the contact information above. A Complainant is not required to file a formal complaint in order to access Supportive Measures. A Complainant may discuss Supportive Measures and the resolution process before deciding whether and how to file a formal complaint. A formal complaint must contain the Complainant's physical or digital signature or otherwise indicate that the Complainant is the person filing the formal complaint.

B. Dismissal of a Formal Complaint

A formal complaint may be dismissed during the resolution process on certain grounds. A formal complaint will be dismissed if the conduct reported in the formal complaint:

- Would not constitute Sexual Harassment under Title IX, even if proved;
- Did not occur in or during the College's educational program or activity; or was not directed against a person located in the United States.

A formal complaint may be dismissed, in whole or in part, in the Title IX Coordinator's discretion, if:

- A Complainant notifies the Title IX Coordinator/Title IX Investigator, in writing, that the Complainant would like to withdraw the formal complaint, in whole or in part;
- The Respondent is no longer enrolled in or employed by the College;
- Specific circumstances prevent the College from gathering evidence enough to reach a determination about the Formal complaint.

After dismissing a formal complaint, the Title IX Coordinator or designee will send written notice of the dismissal and the reason(s) for dismissal simultaneously to the parties within five (5) business days.

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The Title IX Coordinator or designee also will review the reported conduct to determine whether investigation or other resolution of the complaint should proceed under other College policies.

C. Appeal from Dismissal of a Formal Complaint

Either party may appeal from the dismissal, in whole or in part, of a formal complaint on the following basis:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the determination regarding dismissal was made that could affect the outcome of the matter; and/or
- The Title IX Coordinator, investigator(s), or Hearing Panel had a conflict of interest or bias for or against Reporting Parties or Responding Parties generally or the individual Complainant or Respondent that affected the outcome of the matter.

Appeals must be submitted in writing to the Title IX Coordinator or Title IX Investigator within five (5) business days of the determination to dismiss a formal complaint. The appeal must consist of a plain, concise, and complete written statement specifically identifying both the procedural irregularity, new evidence, and/or conflict of interest and the effect on the outcome of the matter. Receipt of the written appeal will be acknowledged in writing.

Upon receipt of the appeal, the Title IX Coordinator/Title IX Investigator will forward the appeal to the Dean of Academic Affairs. The Dean of Academic Affairs is an impartial decision-maker.

The Dean of Academic Affairs will assess the appeal to determine whether it is timely filed and, if so, whether the appeal satisfies one or more of the permitted bases for appeal. If the Dean of Academic Affairs determines that the appeal does not satisfy one or more of the permitted bases, the appeal will be denied. The Dean of Academic Affairs will render the decision regarding whether the appeal is properly filed within five (5) business days of receiving the appeal. The decision will be communicated to both parties simultaneously.

If the appeal is properly filed, the other party will be given the opportunity to review the written appeal and respond to it in writing to the Dean of Academic Affairs. Any response by the opposing party must be submitted to the Dean Academic Affairs within five (5) business days from the date on which the appeal was transmitted. If both parties file an appeal, the appeal documents from each party will be considered together in one appeal review process.

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In any request for an appeal, the burden of proof lies with the party requesting the appeal, because the determination regarding dismissal of all or part of a formal complaint will be presumed to have been decided reasonably and appropriately. Appeals are not a rehearing of the matter. The scope of the appeal will be limited only to the stated permissible bases that have been accepted for review. In most cases, appeals are confined to a review of the written documentation or record of the original determination regarding dismissal and pertinent documentation regarding the grounds for appeal. The Dean of Academic Affairs may speak to the Title IX Coordinator/Title IX Investigator or the parties, as appropriate. Each party will have an equal opportunity to speak with the Dean of Academic Affairs.

Depending based on the requested appeal, the Dean of Academic Affairs may affirm the outcome or return the matter to the Title IX Coordinator/Title IX Investigator for resolution through the process detailed in these procedures.

D. Resolution of a Formal Complaint

Following receipt of a formal complaint, the College will initiate a prompt, thorough, and impartial resolution process. Both forms of resolution – informal and formal– require submission of a formal complaint.

a. Time Frame

The time frame for completion of required actions under this resolution process may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, to comply with a request by law enforcement, to accommodate the availability of witnesses, to account for College breaks or pre-approved leave, to account for the complexities of an investigation (e.g., the number of witnesses and volume of information provided by the parties), or to address other legitimate reasons. Any extension of a time frame, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the resolution process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

b. Informal Resolution

Informal resolutions may be facilitated by the College to resolve a formal complaint at any time prior to reaching a determination regarding responsibility. Informal resolutions do not involve a full investigation and adjudication. Parties must voluntarily consent to the informal resolution process in writing before it can proceed. If an informal resolution is elected by the parties and is deemed appropriate by the College, the parties will be provided written notice of the informal resolution process, containing the following:

- The reported conduct;

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- The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
- A provision that any party has the right to withdraw from the informal resolution process and resume the formal resolution process of the formal complaint at any time prior to agreeing to a resolution; and
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

c. Formal Resolution

The formal resolution process will consist of two phases: the investigation and the hearing. In all phases of the formal resolution process, the parties will be provided an equal opportunity to present fact and expert witnesses and inculpatory and exculpatory evidence. The parties also will be provided an equal opportunity to have an Advocate of their choice in any meeting related to or portion of the formal resolution process. No party will be restricted from discussing the reported conduct under investigation or from gathering and presenting relevant evidence.

Any person whose participation is invited or expected in an investigative interview, hearing, or other meeting related to the formal resolution process will be provided written notice of the date, time, location, participants, and purpose of the meeting with sufficient time for the party to prepare to participate.

Throughout the formal resolution process, there is a presumption that the Respondent is not responsible for the reported conduct until a determination regarding responsibility is made at the conclusion of the formal resolution process. The burden of proof and the burden of gathering evidence enough to reach a determination of responsibility rest on the College and not on the parties. The College will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains the party's voluntary, written consent to do so.

The formal resolution process will begin with written notice to the parties. Within five (5) business days of receipt of a formal complaint, the College will provide written notice of the investigation to parties who are known. The written notice of the investigation will include the following information:

- Notice of the College's process for resolving reports of Title IX Sexual Harassment, including any available informal resolution processes;

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- Notice of the allegations of Sexual Harassment, including, if known, the following:
 - The identities of the parties involved in the incident;
 - A summary of the conduct reportedly constituting Sexual Harassment; and
 - the date and location of the reported incident;
 - Information about the range of potential sanctions under the Title IX Sexual Harassment policy, including, where appropriate, notification that expulsion is a possible sanction for a student Respondent and that expulsion precludes matriculation at any Ranken Technical College location.
 - Information about the parties' rights and responsibilities, including the following:
 - That the Respondent is presumed not responsible for the reported conduct and that a determination regarding responsibility is made at the conclusion of the resolution process;
 - That the parties may have an advocate of their choice, who may be, but is not required to be, an attorney;
 - That the parties and their advocate may inspect, and review evidence obtained as part of the investigation that is directly related to the allegations contained in the formal complaint; and
 - That it is a violation of the College's Standards of Conduct and Work Ethic Policy to knowingly make false statements or knowingly submit false information during the resolution process.

The written notice of investigation will be provided with enough time to prepare a response before any initial interview. The written notice of investigation may be amended, with written notice to the parties.

d. Investigation

The Title IX Investigator will investigate allegations of complaints of Sexual Harassment. The investigator will gather information regarding the alleged conduct and will prepare an investigative report summarizing all evidence obtained as part of the investigation that is relevant to the allegations raised in the Formal complaint. The investigator will use best efforts to complete the investigation within sixty (60) business days from the issuance of the written notice. As with all time frames in this resolution process, this time frame may be extended for good cause with notice to the parties in writing.

Prior to the completion of the investigative report, the parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations contained in the formal complaint. Such evidence includes the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and

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inculpatory or exculpatory evidence, regardless of the source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The Title IX Coordinator will send to each party and the party's advocate, if any, the evidence subject to inspection and review in an electronic or hard copy format.

After receiving the parties' written responses or after the lapse of ten (10) business days without receipt of such responses, the investigator will consider any written response(s) and create an investigative report, which will fairly summarize the relevant evidence.

The Title IX Coordinator will send to each party and the party's advocate, if any, the investigative report in an electronic or hard copy format for their review and written response. The investigative report will be sent at least ten (10) business days prior to a hearing.

e. Hearings

Decisions regarding responsibility will be made by a Hearing Panel after a live hearing. A Hearing Panel is comprised of three (3) individuals, selected from a pool of trained individuals. Any individual designated by the College to serve on a Hearing Panel must have enough training to serve in this capacity. A college student may not serve as a panelist. A Hearing Panel member may decline to participate based on an actual conflict of interest, bias, or lack of impartiality. Both parties have the ability to challenge a Hearing Panel member on the basis of an actual conflict of interest, bias, or lack of impartiality. The request must be submitted in writing or raised no later than the date of the pre-hearing meeting and must clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial.

Each hearing will be conducted by Dean of Academic Affairs. The Dean of Academic Affairs is available to provide consistency in process, informed understanding of policy definitions and standards, and guidance as to available sanctions. Hearings will be conducted according to the procedures described in the sections below.

Hearings will generally be conducted within twenty-five (25) business days of the transmission of evidence to the parties for inspection and review. As with all time frames in this resolution process, this time frame may be extended for good cause with notice to the parties in writing.

i. Advocates and Hearing Advisors

Each party may be accompanied to the hearing by an Advocate of their choice. If a party does not have an Advocate at the hearing to conduct cross-examination, the College may provide an advisor upon request. The Hearing Advisor may, but is not required to be, an attorney. The Hearing Advisor

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provided by the College will conduct cross-examination of the other party and witnesses on behalf of the party.

ii. Pre-Hearing Meeting

The Dean of Academic Affairs will meet separately with each party and their advocate to resolve pre-hearing concerns. At this pre-hearing meeting, the parties will each have the opportunity to raise any challenge to the composition of the Hearing Panel based on bias, conflict of interest, or lack of impartiality. The parties will also have the opportunity to address questions about the hearing process. At this meeting, the Dean of Academic Affairs will also review expectations for hearing participants, including the advocate.

iii. Hearing Procedures

Hearings will be conducted in closed session. Hearings must be conducted live, but at the request of either party or in the discretion of the College hearings may be conducted with the parties located in separate locations with technology enabling the Hearing Panel and parties to simultaneously see and hear the party or witness answering questions.

Both parties will have the opportunity to provide a statement of their account related to the alleged conduct, beginning with the Complainant and followed by the Respondent. Each party will then present any witnesses, beginning with the Complainant's witnesses and followed by the Respondent's witnesses.

The Hearing Panel and the parties, through their Advocate may pose questions to any individual (including parties and witnesses) participating in the hearing. Each party's advocate will be permitted to ask the other party and any participating witnesses all relevant questions and follow-up questions, including that challenging credibility. This cross-examination will be conducted directly, orally, and in real time by the party's advocate or and never by a party themselves.

Only relevant cross-examination questions may be asked. Before a participant answers a question, the Hearing Panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Challenges to a relevance determination may not be raised during the hearing but may be raised on appeal if a party alleges that the failure to pose a question satisfies one of the bases for appealing a hearing outcome.

Questions and evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence: (1) are offered to prove that someone other than the Respondent committed the conduct alleged, or (2) concern specific incidents of prior sexual behavior

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between the Complainant and the Respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the hearing, the Hearing Panel must not rely on any statement of that party or witness in reaching a decision regarding responsibility. The Hearing Panel cannot draw an inference about the determination regarding responsibility based solely on a party or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

iv. Determination Regarding Responsibility

The determination regarding responsibility will be made by the Hearing Panel after the hearing and cannot be made by the Title IX Coordinator or Title IX Investigator. Within ten (10) business days of the conclusion of the hearing, the Hearing Panel will decide of responsibility using the preponderance of the evidence standard and will issue a written determination regarding responsibility. The Hearing Panel's determination must be reached by a majority vote.

In reaching the determination regarding responsibility, the Hearing Panel will objectively evaluate all relevant evidence – both inculpatory and exculpatory. The Hearing Panel will not make credibility determinations that are based on a person's status as Complainant, Respondent, or witness. The Hearing Panel will not rely on any statement of a party or witness who did not submit to cross-examination. The written determination will include the following:

- Identification of the reported conduct potentially constituting Sexual Harassment;
- A description of the procedural steps taken from receipt of the Formal complaint through the determination, including any notices to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence, and hearing(s) held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the College's Title IX Sexual Harassment Policy to the facts;
- A statement of and rationale for the result as to each instance of reported conduct, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent;
- Whether remedies will be provided to the Complainant; and
- The College's procedures and permissible bases for the parties to appeal, including the time frame for submitting an appeal and the name of the Dean of Academic Affairs who will be assigned to review any appeal filed.

The written determination will be provided to the parties simultaneously.

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f. Appeals

Either party may appeal from the determination regarding responsibility and/or from the determination regarding sanction(s) on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the determination regarding responsibility or sanction(s) was made that could affect the outcome of the matter; and/or
- The Title IX Coordinator/ Title IX Investigator or Hearing Panel had a conflict of interest or bias for or against Reporting Parties or Responding Parties generally or the individual Complainant or Respondent that affected the outcome of the matter.

Appeals must be submitted in writing to the Title IX Coordinator/Title IX Investigator within five (5) business days of the determination regarding responsibility. The appeal must consist of a plain, concise, and complete written statement specifically identifying both the procedural irregularity, new evidence, and/or conflict of interest and the effect on the outcome of the matter. Receipt of the written appeal will be acknowledged in writing.

Upon receipt of the appeal, the Title IX Coordinator/Title IX Investigator will forward the appeal to the Dean of Academic Affairs. The Dean of Academic Affairs is an impartial decision-maker.

The Dean of Academic Affairs will assess the appeal to determine whether it is timely filed and, if so, whether the appeal satisfies one or more of the permitted bases for appeal. If the Dean of Academic Affairs determines that the appeal does not satisfy one or more of the permitted bases, the appeal will be denied. The Dean of Academic Affairs will render the decision regarding whether the appeal is properly filed within five (5) business days of receiving the appeal. The decision will be communicated to both parties simultaneously.

If the appeal is properly filed, the other party will be given the opportunity to review the written appeal and respond to it in writing to the Dean of Academic Affairs. Any response by the opposing party must be submitted to the Dean of Academic Affairs within five (5) business days from the date on which the appeal was transmitted. If both parties file an appeal, the appeal documents from each party will be considered together in one appeal review process.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, because the determination regarding responsibility will be presumed to have been decided reasonably and appropriately. Appeals are not a rehearing of the matter. The scope of the appeal will be limited only to the stated permissible bases that have been accepted for

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review. In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal. The Dean of Academic Affairs may speak to the Title IX Coordinator/ Title IX Investigator or the parties, as appropriate. Each party will have an equal opportunity to speak with the Dean of Academic Affairs.

Depending on the basis of the requested appeal, the Dean of Academic Affairs may:

- Affirm the Outcome;
- Return the matter to the Hearing Panel with instructions to reconvene to cure a procedural error or to assess the weight and impact of newly discovered evidence; or
- Where the procedural error cannot be cured by returning the matter to the original Hearing Panel, convene a hearing before a newly constituted Hearing Panel.

The Dean of Academic Affairs render a written decision on the appeal within fifteen (15) business days from the date of the submission of all appeal documents. The decision will be communicated to both parties simultaneously. Appeal decisions by the Dean of Academic Affairs are final except for cases involving suspension or expulsion of a student. Separate from this Title IX resolution process, employees may have grievance processes available to them in circumstances set forth in human resources policies for certain employee classifications.

As in all other stages, all designated time frames for appeals may be extended for good cause as necessary to ensure the integrity and completeness of the review. Such extension will be communicated concurrently to both parties in writing.

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

3. Sanctions

The Title IX Sexual Harassment Policy prohibits a range of behaviors that are serious in nature. In keeping with the College's commitment to foster an environment that is safe, inclusive, and free from Sexual Harassment, the Policy authorizes the Hearing Panel to impose sanctions, disciplinary actions, and corrective measures tailored to the circumstances of each report. Specifically, these sanctions, disciplinary actions, and corrective measures are designed to: (1) address the effects of the misconduct on the Complainant and the College community; (2) hold the Respondent accountable for the conduct committed; and (3) eliminate Sexual Harassment, prevent its recurrence, and remedy its effects.

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The sanctions, disciplinary actions, and corrective actions the College imposes may include educational, restorative, rehabilitative, and/or punitive components. Some behavior, however, is so harmful to the educational process and/or the work environment that it requires severe sanctions or disciplinary action, including temporary or permanent separation from the Ranken Technical College.

In determining the appropriate course of action, the Hearing Panel shall consider the following factors: the nature and violence of the conduct at issue; the effects of the conduct on the Complainant; the effects or implications of the conduct on the educational mission, work environment, the community, or the College; whether the conduct involved an abuse of power or authority; prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, both at the College or elsewhere, including criminal convictions; whether the Respondent has accepted responsibility for the conduct; maintenance of a safe and respectful environment conducive to learning and working; protection of the College community; and any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each case.

All Responding Parties must be treated equally when applying these factors, regardless of whether they are a student or an employee and regardless of their category of employment.

A. Sanctions for Students

- Sanctions may be imposed on a student Respondent, individually or in combination. Sanctions that affect a student's status with the College include the following: Expulsion, which must be approved by the President, means that a student is removed from the College permanently and may not be re-admitted to any Ranken location unless and until the President who imposed or approved the sanction (or the President's successor) concludes on the basis of the former student's petition and any supportive documentation that the individual should be given a new opportunity to pursue higher education at the College.
- Suspension for a definite or indefinite period means that the student is removed from good standing and must leave the College for a definite or indefinite period. This form of suspension anticipates that the student may eventually return if applicable conditions are satisfied. Academic work completed at another institution during a period in which a student is under suspension from the College may not be transferred toward the degree, but applicable.
- Probation for a definite or indefinite period, including probation with associated conditions or requirements as set by the Hearing Panel, means that a student may remain at the College but may be required

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to satisfy specified conditions or requirements, report regularly to a designated administrator, and be barred from holding any office or participating in any activity in which the student represents the College or from participating in any College-recognized student organizations either within or outside the College community. The sanction of probation prohibits graduation until the period of probation has ended and the student has complied with all requirements.

- Expulsion, permanent suspension, suspension for a definite or indefinite period, and probation will be noted on a student's transcript while the sanction is in effect. If a determination is upheld upon appeal, the sanction is imposed as of the date the parties receive written determination of the result of the appeal. Supportive Measures in effect for the parties will continue pending the conclusion of any appeal, as appropriate.

B. Disciplinary Action for Employees

- When the Hearing Panel determines that an employee Respondent has violated the Title IX Sexual Harassment Policy, disciplinary action may be imposed individually or in combination with corrective measures. There are several types of disciplinary actions for employees, which may include the actions described below. The terminology, process, and requirements applicable to disciplinary actions may differ among the different categories of employees, and those details may be found in the disciplinary action policies specific to each category of employee.
- Dismissal/Discharge: Termination of employment with the College.
- Suspension without Pay for a specific period.
- Demotion of rank or position and/or reduction in compensation.
- Written Warning/Letter of Reprimand: An official reprimand letter placed in the employee's file giving the employee notice that any subsequent violation of College policies will carry more serious disciplinary actions and/or requiring the employee to participate in or adhere to other non-disciplinary corrective measures.

C. Corrective Measures for Students and Employees

- The Hearing Panel may also consider corrective measures that are not sanctions or disciplinary actions but are designed to promote a safe and non-discriminatory educational and work environment. Such measures may focus on educational and restorative principles that allow a Respondent or other individuals to develop insight about the relationship between certain behaviors and the prohibitions set out in the Title IX Sexual Harassment Policy, learn about the effects of the behavior on the Complainant and the community, and identify how to prevent or change the behavior. Such corrective measures that may be implemented include, but are not limited to:

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- Educational Requirements: Completion of training, programs, or requirements designed to help the Respondent manage behavior and understand why it was inappropriate.
- “No Contact” Orders: Compliance with orders of no contact that limit access to specific College areas or forms of contact with persons.
- Adjustment of Work Duties: Reassignment of job duties, responsibilities, supervision, schedule, or location that does not entail a demotion of rank or position and/or reduction in pay.
- Housing Restrictions: Exclusion from College housing or changes in housing assignment.

In some circumstances, even if the Hearing Panel has found that the Respondent did not violate the Title IX Sexual Harassment Policy, the Respondent’s immediate supervisor and/or Human Resources Director, may require training or education for the Respondent, other individuals involved, or for an entire department or unit.

4. Remedies

When there has been a determination that the Respondent has violated the Policy, the College will consider appropriate remedies, based upon the findings and unique circumstances of each report. Remedies are measures taken to restore and preserve the Complainant’s equal access to the College’s educational programs, employment opportunities, or activities by addressing the effects of the conduct on the Complainant. Remedies seek to restore to the Complainant, to the extent possible, all benefits and opportunities lost as a result of the Sexual Harassment. Remedies may include, but are not limited to, adjustment of work or class assignments, location, and/or schedule or recommending a review of a negative performance or grade decision that may have resulted from the conduct that violated the Policy. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

The Title IX Coordinator/Title IX Investigator and the Respondent’s immediate supervisor and the Human Resources Director will identify long-term or permanent remedies for the Complainant and address any effects of the conduct on the College community. Long-term remedies may include extending or making permanent any Supportive Measures or implementing additional measures tailored to achieve the goals of the Title IX Sexual Harassment Policy. Many of the remedies and supports that a Complainant might need after a finding of responsibility will have already been provided during the resolution process, including but not limited to academic accommodations, short term counseling, and modifications to employment arrangements. The Title IX Coordinator/Title IX Investigator will, in all cases, consider whether there is a need for additional or extended remedies. The Title IX Coordinator/Title IX Investigator is responsible for effective implementation of any remedies.

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5. Retaliation

During the investigation and resolution of alleged violations of the Title IX Sexual Harassment Policy, reasonable steps will be taken to protect the Complainant, the Respondent, and other participants in the reporting, investigation, and resolution process from Retaliation.

- For purposes of the Title IX Sexual Harassment Policy, protected activity includes refusing to participate in any manner in an investigation, proceeding, or hearing under these procedures.
- Retaliation may include charges against an individual for code of conduct violations that do not involve sex discrimination or Title IX Sexual Harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination or a report or formal complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX.
- Charging an individual with a code of conduct violation for making a materially false statement in bad faith during the resolution process does not constitute Retaliation. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.
- Any individual who engages in Retaliation or who authorizes, instructs, or permits others to engage in Retaliation on their behalf will be subject to prompt and appropriate disciplinary action.

Individuals who have a concern about potential or actual retaliation should contact the Title IX Coordinator/ Title IX Investigator for assistance in addressing the concern. If the concern about retaliation involves the Title IX Coordinator/Title IX Investigator, an individual may contact the Human Resources Director. Complaints alleging retaliation related to reports of Title IX Sexual Harassment may be filed according to the resolution process set out in these procedures.

6. Confidentiality

The College must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of Sexual Harassment; any Complainant; any individual who has been reported to be the perpetrator of sex discrimination; any Respondent; and any witness. This obligation may be limited by applicable law, subpoena, or court order, or as required to carry out the conduct of any investigation or hearing under these procedures.

7. Requirements for Resolution Process Participants

A. College Participants

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The Title IX Coordinator/Title IX Investigator and any individuals designated by the College as a decision-maker in the formal resolution process, including any appeals under this process, or facilitator of an informal resolution process, must not have a conflict of interest or bias for or against an individual Complainant or Respondent; must not rely on sex stereotypes; and must promote impartial investigations and adjudications of Formal complaints of Sexual Harassment.

These individuals must also receive training on: the definition of Sexual Harassment; the scope of the College's Educational Program or Activities; how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes as applicable; and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Hearing Panelists must also receive training on any technology to be used at a live hearing and issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators must also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

B. Advocates and Hearing Advisors

Attorney or Non-Attorney Advocate: At any meeting or hearing related to the resolution of a report under the Title IX Sexual Harassment Policy, the parties may be accompanied by an Advocate of their choice, who may be an attorney. The Advocate must meet with the Hearing Chair in advance of any participation in the proceedings to understand the expectations of the role, privacy, and appropriate decorum.

For an Advocate to participate in any meeting or hearing, the Complainant or Respondent must complete and submit an informational form to the Title IX Coordinator no later than five (5) business days prior to the proceedings. The College, its officials, and the members of the Hearing Panel will communicate and correspond directly with the party. It is the party's responsibility to communicate and share information with the Advocate.

The College will prioritize the availability of the parties, witnesses, and Hearing Panel members assigned to the matter when determining the date and time for any meeting or hearing. Throughout the resolution process, the Advocate may fully participate in the proceeding to the same extent afforded to the party the Advocate represents.

Hearing Advisor: If a party does not have an Advocate at the hearing to conduct cross-examination, the College may provide a Hearing Advisor who may, but is not required to be, an attorney, to conduct cross-examination of the other party and witnesses on behalf of the party.

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The Hearing Advisor will consult with the party to discuss and develop relevant cross-examination questions of the other party and any witnesses and will be available to consult with the party during the direct questioning of the party. The Hearing Advisor must meet with the Hearing Chair in advance of any participation in the proceedings to understand the expectations of the role, privacy, and appropriate decorum.

All Advocate and Hearing Advisors participating in the resolution process must conduct themselves with appropriate decorum, respect the privacy of the parties and witnesses, and may not delay, disrupt, or otherwise interfere with any other portion of the resolution process. All Advocate and Hearing Advisors must also maintain confidentiality with respect to all information related to the resolution process.