

CIVIL RIGHTS AND SEXUAL MISCONDUCT POLICY REPORTING AND RESPONSE PROCEDURE

A. BC3 NON-DISCRIMINATION POLICY

Butler County Community College is committed to providing equal opportunity in admissions and treatment of students, in educational programs for students, in employment opportunities and in governance of the College, without regard to race, color, religious creed, ancestry, national origin, handicap or disability, use of a service animal due to disability, age, sex, sexual orientation, gender identity or expression, perceived gender identity, genetic information, veteran status, marital status, family status, or other classification protected by applicable law.

The College shall ensure (1) that it does not discriminate against an employee or applicant for employment or another person because of race, color, religious creed, ancestry, national origin, handicap or disability, use of a service animal due to disability, age, sex, sexual orientation, or gender identity or expression, perceived gender identity, genetic information, veteran status, marital status, family status, or other classification protected by applicable law; (2) that it does not subject students to unlawful discrimination in the admission process, take any action, direct or indirect, to segregate students in a classroom or course, or subject students to different or separate treatment in, nor restrict the enjoyment by a student of, a service, facility, activity or program at the College on the basis of race, color, religious creed, ancestry, national origin, handicap or disability, use of a service animal due to disability, age, sex, sexual orientation, or gender identity or expression, perceived gender identity, genetic information, veteran status, marital status, family status, or other classification protected by applicable law; and (3) that it does not discriminate in the employment of administrators on the basis of race, color, religious creed, ancestry, national origin, handicap or disability, use of a service animal due to disability, age, sex, sexual orientation, or gender identity or expression, perceived gender identity, genetic information, veteran status, marital status, family status, or other classification protected by applicable law and that its governance structure includes diverse membership broadly representative of the public interest as may be required by law or regulation.

There shall be no retaliation against any applicant, employee, or student for filing a harassment or discrimination complaint, or assisting, testifying, or participating in the investigation of such a complaint. Any applicant, employee, or student reporting sexual or other harassment or discrimination will also be protected from reprisals or retaliation by the College, any supervisors, and/or co-workers as a result of such complaint(s).

The College is committed to be in compliance with the Pennsylvania Human Relations Act (43 P. S. §§ 951-962.2) and the Pennsylvania Fair Educational Opportunities Act (24 P.S. § § 5001-5009). Employment and educational opportunities at Butler County Community College are available to all as required by Title VI, Title VII, Title IX, 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, Section 504 of the Rehabilitation Act, the Pennsylvania Fair Educational Opportunities Act, the Pennsylvania Human Relations Act, and all applicable laws and regulations.

For information regarding equal education and employment opportunity including services, activities and facilities that are usable and accessible to disabled persons, contact the Executive Director of Human Resources/Equal Opportunity Compliance Officer, Butler County Community College by telephone at (724) 287-8711, Ext. 8353, or in writing at 107 College Drive, Butler, PA 16002. If an applicant, employee, or student is physically or mentally disabled, he/she may request accommodations, academic adjustments, or auxiliary aids or services. Information on the College's services for disabled students may be obtained from the Coordinator of Access and Disability Resources at Ext. 8327. Employees or applicants should contact the Executive Director of Human Resources/Equal Opportunity

Compliance Officer at Ext. 8353 for more information.

For information regarding the College's Complaint Procedure, visit our website at <https://bc3.edu/directory/human-resources/pdf/Civil-Rights-and-Sexual-Misconduct.pdf> or contact the Executive Director of Human Resources/Equal Opportunity Compliance Officer, Butler County Community College by telephone at Ext. 8353 or in writing at the above address.

B. SCOPE OF PROCEDURE

Butler County Community College has adopted these procedures in order to provide for the prompt, fair and impartial investigation of and response to reported incidents of Sexual Harassment and other violations of the College's policies prohibiting unlawful discrimination, harassment and retaliation. 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, Third-Party Vendors, and Visitors.

This Procedure applies to all forms of prohibited conduct, as described in Section C 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 and/or leased by the College, including off-campus locations, parking lots, and grounds.
 - Conduct occurring on public property within or immediately adjacent to a campus location.
 - Conduct occurring at activities that are sanctioned, organized or coordinated by the College, on or off-campus, including but not limited to:
 - Clinicals, practicums, and externships;
 - Community activities;
 - Off-campus sites offering non-credit classes and/or programs;
 - Athletic events, including travel, and;
 - Activities sponsored or organized by recognized student organizations.
2. Other conduct that takes place off campus but which has the potential to adversely impact any member of the College community on campus or otherwise adversely affect or disrupt the College's learning or working environment.

C. Prohibited Conduct

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

- **Discrimination** on the basis of actual or perceived membership in a protected class
- **Harassment** on the basis of actual or perceived membership in a protected class
- **Bullying** on the basis of actual or perceived membership in a protected class
- **Hazing** on the basis of actual or perceived membership in a protected class
- **Creating a Hostile Environment** on the basis of actual or perceived membership in a protected class
- **Intimidation** on the basis of actual or perceived membership in a protected class
- **Sexual Harassment Offenses:**
 - Sexual Assault
 - Quid Pro Quo Harassment
 - Domestic Violence
 - Dating Violence

- Stalking
- **Sexual Exploitation** on the basis of actual or perceived membership in a protected class
- **Retaliation** against any individual for asserting rights provided under or for participating in any process or proceeding authorized by this Procedure
- **Not Honoring** the College’s established attendance procedure for pregnant students and pregnancy- related conditions, as is more fully described in the next section below
- **Denial** of reasonable accommodations for individuals with documented disabilities
- **Denial** of reasonable accommodations for pregnant students or employees
- **Romantic Relationships** that might be appropriate in other contexts may, within a College, create the appearance of an abuse of power or of undue advantage. Even when both parties have consented at the outset to a romantic involvement, such consent does not preclude a subsequent charge of sexual harassment against the instructor or supervisor. Because of its relevance to sexual harassment, the College views consensual relations in cases where one person has educational or supervisory authority over another, as unwise and inappropriate. In matters such as this, appropriate action will be taken.

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 Student Complaint and Academic Grievance Policy and Procedures, with the exception of the following:

- Complaints that allege that an academic decision was determined as a result of discrimination and/or harassment;
- Complaints that allege that an individual was denied participation in an academic program or activity due to discrimination and/or harassment; and
- Complaints that allege that discrimination and/or harassment impacted or altered an individual’s ability to perform academically.

Please see the “Reporting” section below for information on how to submit a report or file a complaint regarding prohibited conduct.

D. ATTENDANCE PROCEDURE FOR PREGNANCY & PREGNANCY RELATED CONDITIONS

In accordance with Title IX of the Education Amendments of 1972, absences due to pregnancy or related conditions, including recovery from childbirth, shall be excused for as long as the absences are determined to be medically necessary. 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 Coordinator of Access and Disability Resources, at 724-287-8711 Ext. 8327 or jennifer.loue@bc3.edu.

E. 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.

F. DEFINITIONS

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

- **Actual Knowledge**: means actual notice of Sexual Harassment or allegations of Sexual Harassment to a recipient's Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College.
- **Advisor**: the person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the Sexual Harassment Process "B" hearing. 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.
- **Bullying**: repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally.
- **Complainant(s)**: is a person who alleges to have been the subject of Sexual Harassment or other conduct prohibited under this Procedure.
- **Complaint (formal)**: document filed/signed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the College investigate the allegation.
- **Coercion**: is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- **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.

- **Deliberate Indifference**: a College is deliberately indifferent only if its response to Sexual Harassment is clearly unreasonable when the College has actual knowledge of facts constituting such harassment.
- **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.
- **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.
- **Force**: is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.
- **Harassment**: unwelcome conduct, whether verbal, written, physical or graphic, that is based upon a protected characteristic, and that is so severe, persistent or pervasive that it unreasonably interferes with an individual's work or academic performance or otherwise unreasonably limits or deprives an individual from participating in or receiving the benefits of the College's employment, educational and/or extracurricular programs and activities.
- **Hazing**: acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiations, pledging, joining, or any other group-affiliation activity.
- **Hostile Environment**: such conduct is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with an individual's work performance or educational experience. 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 within the Formal Grievance process.
- **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 an alleged violation of this Policy, 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 policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator, an Official with Authority, and/or their supervisor.
- **Notice**: means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- **Official with Authority (OWA)**: means an employee of the College explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the College.
- **Process “A”**: means the Formal Grievance Process for formal complaints alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity, and requesting that the College investigate the allegation.
- **Process “B”**: means the Formal Grievance Process for formal complaints alleging Sexual Harassment, sexual assault, domestic violence, dating violence and/or stalking, and requesting that the College investigate the allegation(s).
- **Respondent(s)**: an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment or other conduct prohibited by this Procedure.
- **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.
- **Reasonable Accommodation for Students**: approved modifications of programs, appropriate academic adjustments or auxiliary aids that enable them to participate in and benefit from all educational programs and activities, unless to do so would cause undue hardship.
- **Reasonable Accommodation for Employees**: any modification or adjustment to a job 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
- **Retaliation**: any action, directly or through others, that would have the effect of preventing or deterring a reasonable person from reporting conduct prohibited by this Procedure, 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 violated this policy.
- **Sexual Assault**: an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Report:
 - **Rape**: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - **Fondling**: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where

the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

- **Incest:** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** sexual intercourse with a person who is under the statutory age of consent.
- **Sexual Exploitation:** takes non-consensual or abusive 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 education program or activity.
 - **Quid Pro Quo Harassment:** submission to or rejection of such conduct is either implicitly or explicitly made a term or condition of an individual's participation or continued participation in any College employment, educational or extracurricular program or activity, or otherwise forms the basis for a decision that adversely impacts that person's employment or educational experience
- **Stalking:** engaging in a repetitive and menacing 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 harassment, discrimination, and/or retaliation.
- **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 College's efforts related to the intake, investigation,

resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy. The TIXC acts with independence and authority free from bias and conflicts of interest. The TIXC oversees all resolutions under this policy and these procedures.

G. REPORTING

Prompt reporting of Civil Rights and Sexual Harassment violations 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 discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute discrimination or Sexual Harassment), 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.

However, the ability of the College to take disciplinary action against the 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 utilizing either or both of the options described below.

The College prohibits and will not engage in retaliation against any person who, in good faith, reports a violation, makes a complaint or provides information in connection with the investigation of a report submitted made under this Procedure. In addition, individuals who make a good faith report of Sexual Harassment or Civil Rights violations under these procedures will not be subject to disciplinary action under the BC3 Student Code of Conduct or any other College policies or regulations if it is determined that the alleged victim and/or individual who submitted the report was under the influence of drugs or alcohol at the time of the reported incident.

- *Notice* means that an employee, student, or third-party informs the TIXC or other OWA of the facts constituting the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- *Complaint (formal)* means a document filed/signed by a Complainant or signed by the TIXC alleging Sexual Harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and **requesting that the College investigate the allegation.**

1. Online and Anonymous Reporting

BC3 maintains an online reporting system to receive complaints of Civil Rights violations, including reported incidents of sexual violence and Sexual Harassment. The [Incident Report Form](#) can be accessed from the Title IX page on the College's website and from the BC3 portal, or by clicking [HERE](#). **Please note that the [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 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.

2. 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 progresses to the Formal Phase (described below), then a written statement 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 and Sexual Misconduct 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 a Civil Rights or Sexual Harassment violation (as described above) 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 a Civil Rights or Sexual Harassment violation (as described above) directly to the TIXC/Executive Director of Human Resources, Assistant Director of Human Resources (contact information listed below) and/or to the employee's direct supervisor without fear of retaliation.

Guests and Third-Party Vendors:

Any guest or third-party vendor can report a Civil Rights violation (as described above) to the TIXC/Executive Director of Human Resources, Assistant Director 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 harassment, discrimination, and/or retaliation. The Officials with Authority listed below may accept notice or complaints on behalf of the College.

<p>Christina M. Fleeger Executive Director of Human Resources/ Equal Opportunity Compliance Officer BC3 Main Campus, Lower Level of Administration Building 724-287-8711, Ext. 8353 tina.fleeger@bc3.edu</p>	<p>Dr. Joshua R. Novak Dean of Student Development BC3 Main Campus, Lower Level of Student Success Center 724-287-8711, Ext. 8045 joshua.novak@bc3.edu</p>
<p>K. Scott Richardson Director of Campus Police and Security BC3 Main Campus, Lower Level of Student Success Center 724-287-8711, Ext. 8225 scott.richardson@bc3.edu</p>	<p>Dr. Steven J. Shaffer Instructor, Humanities & Social Sciences BC3 Main Campus, Social Sciences Building 724-287-8711, Ext. 8163 steven.shaffer@bc3.edu</p>
<p>Jennifer Smith Assistant Director of Student Life – Athletics BC3 Main Campus, Field House 724-287-8711, Ext. 8423 jennifer.smith@bc3.edu</p>	<p>Dr. Belinda Richardson Vice President for Academic Affairs BC3 Main Campus, Upper Level of Administration Building 724-287-8711, Ext. 8262 belinda.richardson@bc3.edu</p>
<p>Dr. Case Willoughby Vice President for Student Affairs & Enrollment Management BC3 Main Campus, Lower Level of Student Success Center 724-287-8711, Ext. 8261 case.willoughby@bc3.edu</p>	<p>Kathryn Buza Assistant Director of Human Resources BC3 Main Campus, Lower Level of Administration Building 724-287-8711, Ext. 8291 kate.buza@bc3.edu</p>
<p>Paula Crider Human Resources Specialist BC3 Main Campus, Lower Level of Administration Building 724-287-8711, Ext. 8206 paula.crider@bc3.edu</p>	<p>Lisa Campbell Dean of Workforce Development BC3 Main Campus, Continuing Education Building 724-287-8711, Ext. 8290 lisa.campbell@bc3.edu</p>
<p>Karen Zapp Director of BC3 @ Armstrong BC3 Armstrong Campus 724-902-7467 karen.zapp@bc3.edu</p>	<p>Lauren Buchanan Director of BC3 @ LindenPointe BC3 LindenPointe Campus 724-346-2073 lauren.Buchanan@bc3.edu</p>
<p>Sean Carroll Director of BC3 @ Lawrence Crossing BC3 @ Lawrence Crossing Campus 724-658-1938 sean.carroll@bc3.edu</p>	<p>Ryan Kociela Interim Director of BC3 @ Cranberry BC3 Cranberry Campus 724-772-5520 ryan.kociela@bc3.edu</p>
<p>Jill Martin-Rend Director of BC3 @ Brockway BC3 @ Brockway Campus 814-265-1813 jill.martin-rend@bc3.edu</p>	

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](#).

3. Mandatory Employee Reporting Responsibility

All College employees, including faculty, staff and administrators, are required to report any incidences of sexual misconduct or other potential Civil Rights violations, as described above, of which they become aware, either directly or through a third-party, to the TIXC. Reports should be made in a timely manner, generally within 24-48 hours absent other exigent circumstances. If significant time has passed, the ability to investigate, respond, and provide remedies may be more limited. The College is required to conduct a prompt, thorough and impartial investigation of sexual misconduct and other Civil Rights violations regardless of whether or not a formal complaint is filed. Failure to report can result in disciplinary action, up to and including termination.

4. 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 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 3 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 conduct prohibited under this Procedure, 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 a grievance process upon completion of an appropriate risk assessment.

A 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 on 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 grievance process.

5. 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 confidential 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.

Victim Outreach Intervention Center (VOICe)

111 S. Cliff Street
Suite 1-A
Butler, PA 16001
Hotline number: 1-800-400-8551

Center for Community Resources (CCR)

212-214 South Main Street
Suite 625
Butler, PA 16001
Toll Free Crisis Line: 1-800-292-3866

National Sexual Assault Hotline

1220 L. Street NW, Suite 505
Washington, DC 20005
1-800-656-HOPE

6. 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 an alleged Civil Rights and/or Title IX violation 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, Piatt Place
Pittsburgh, PA 15222
(412) 565-5395
<https://www.phrc.pa.gov/Pages/default.aspx>

7. 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 Campus Police & Security Office 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.

8. Federal Timely Warning Obligations

Parties reporting sexual misconduct, intimate partner violence, and/or stalking should be aware that under the Clery Act 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 of bodily harm or danger 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.

H. 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 is an immediate threat to the physical health or safety of any member of the college community. The TIXC will work in conjunction with the Campus Assessment Response and Evaluation Team (CARE), Human Resources, Campus Police & 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. When this meeting is not requested, 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. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions. The TIXC in conjunction with appropriate College leadership 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 College leadership, these actions could include, but are not limited to: temporarily re-assigning an employee, authorizing an administrative leave, restricting an employee's or student's access to or use of facilities or equipment, allowing a student to withdraw or take grades of Incomplete without financial penalty, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

I. REPORT/COMPLAINT PROCESSES

The College has developed two separate formal resolution processes within this procedure to address Civil Rights and Sexual Harassment complaints 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 third-party vendors are also covered by these procedures.

- 1. Process "A"** will address Civil Rights complaints of discrimination and harassment on the basis of protected classes.
- 2. Process "B"** will address complaints of Sexual Harassment, including sexual assault, dating violence, domestic violence and stalking.

J. STANDARD OF PROOF

The **preponderance of the evidence** standard will be used for both Process “A” and Process “B” for all investigations of complaints alleging Civil Rights violations, Sexual Harassment, and any related violation. This means that the investigation will seek to determine if it is **more likely than not** that a policy violation occurred.

K. NOTICE/COMPLAINT

Upon receipt of a complaint or notice to the TIXC of an alleged violation, a prompt 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 to proceed formally.
2. An informal resolution.
3. A Formal Grievance Process including an investigation and/or hearing.

L. INITIAL ASSESSMENT

Following receipt of notice or a complaint of an alleged violation of this Policy, the TIXC engages in an initial assessment. The steps in an initial assessment can include:

- If notice is given, the TIXC seeks to determine if the person impacted 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.
- 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 and/or designee reaches out to the Complainant to offer supportive measures.
- The TIXC works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
- If a Formal Grievance Process is preferred, the TIXC will determine if the misconduct alleged falls within the scope of Process “A” or Process “B”.

M. PROCESS DETERMINATION & INVESTIGATION PROCESS

1. Formal Process “A” (Civil Rights)

- If, after initial assessment of a written report or complaint, the TIXC determines that the report/complaint alleges a possible Civil Rights violation, the case will move forward to Process “A”. This can also be initiated whenever a Complainant or Respondent elects to forego the Informal Resolution or the utilization of Informal Resolution procedures fails to resolve the case.
- This process can also be initiated whenever a Complainant or Respondent elects to forego the Informal Resolution, or the Informal Resolution procedures fails to resolve the case.

2. Formal Process “B” (Sexual Harassment)

- If, after initial assessment of a written report or complaint, the TIXC determines that the report/complaint alleges a possible Sexual Harassment, the case will move forward to Process “B”.
- At the time of filing a formal Process “B” complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College, or an employee.
- This process can also be initiated whenever a Complainant or Respondent elects to forego the Informal Resolution, or the Informal Resolution procedures fails to resolve the case.
- If the allegations in a formal complaint do not meet the definition of Sexual Harassment, as defined above, or did not occur in the school’s education program or activity against a person in the United States, the College must dismiss such allegations *for purposes of Title IX* but may still address the allegations through Process “A” or under the College’s *Student Handbook* or *Employee Administrative Manual*.

3. Written Notice

The TIXC will provide written notice of the investigation and allegations to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The notice is also copied to the Complainant, who is to be given advance notice of when the notice will be delivered to the Respondent.

Notification will include a summary of the allegations including (if known) the identity of the parties involved, the precise misconduct being alleged, the date and location of the alleged incident(s), the specific policies implicated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.

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.

4. Investigation for Process “A” (Civil Rights)

- All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.
- All parties have a full and fair opportunity, through 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.
- 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.

- Upon opening an investigation, the College will provide the Respondent with written notice of the allegations constituting a potential violation. The notice will include sufficient detail to enable the Respondent to prepare a response to the allegations prior to any initial interview.
- Investigations shall be conducted in a prompt, equitable and impartial manner, and provide an opportunity for both the Complainant and Respondent to provide information in support of their respective positions. The investigation will include interviews of witnesses, and review and evaluation of all relevant documents and evidence. 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 his or her findings based upon the information available to him/her.
- If the Respondent admits to engaging in conduct that constitutes a violation, the TIXC, in conjunction with appropriate College leadership, will impose appropriate sanctions. Such a disposition will be final and there will be no subsequent 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 below for details on CRHB proceedings) or, if an employee, the Respondent 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 or their designee will complete the investigation, based upon an evaluation of available evidence, including both inculpatory and exculpatory evidence, and prepare a written report summarizing the evidence and the investigator's findings. Copies of the investigation report will be provided to both Complainant and Respondent.
- If the TIXC and appropriate College leadership 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 him/her 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 CRHB to resolve complaints against them in lieu of other College processes, by providing written notice to the TIXC within five (5) business days of the date of notification of their election to utilize the CRHB hearing process to make a final determination of responsibility and potential disciplinary action.
- 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 and, within five (5) business days of the date of notification, may then elect to have the complaint against them adjudicated through either an administrative hearing with the Dean of Student Development or through 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.

- 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 CRHB member. The TIXC will determine if a conflict of interest exists. No investigator or CRHB member will make findings or determination in a case in which they have been determined to possess a conflict of interest.

5. Investigation for Process “B” (Sexual Harassment)

- All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.
- All parties have a full and fair opportunity, through 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.
- 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 any prohibited conduct on its campuses or in the work or educational environment.
- Upon opening an investigation, the College will provide the Respondent with written notice of the allegations constituting a potential violation. The notice will include sufficient detail to enable the Respondent to prepare a response to the allegations prior to any initial interview.
- Investigations shall be conducted in a prompt, equitable and impartial manner, and provide an opportunity for both the Complainant and Respondent to provide information in support of their respective positions. The investigation will include interviews of witnesses, and review and evaluation of all relevant documents and evidence. 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 his or her findings based upon the information available to him/her.
- If the TIXC and appropriate College leadership 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 him/her under applicable Collective Bargaining Agreements and/or College policies prior to any final determination of responsibility and potential disciplinary action.
- 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.

- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) 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 is then 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

N. SUPPORTIVE MEASURES

The College will offer and implement appropriate and reasonable supportive measures to all parties upon notice of alleged harassment, discrimination, and/or retaliation. 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 harassment, discrimination, and/or retaliation.

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, referral to the 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, and any other actions deemed appropriate by the TIXC.

O. 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 College leadership, 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 process and resume the grievance process with respect to the formal complaint.

Informal resolution options will not be offered to resolve cases where a complaint alleges that an employee sexually harassed a student.

P. 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, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

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.

The TIXC will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the College, the Advisor will be trained by the College and be familiar with the College resolution process.

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-Makers.

1. Role of the Advisor in Process “A”

- If a Complainant or Respondent desires, he/she may be accompanied by an Advisor of their choice at any informal meeting, investigatory interview, administrative hearing or CRHB hearing conducted under these procedures. Typically, Advisors are members of the College community; however, either party is free to utilize an outside party, including an attorney, as an Advisor.
- 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. 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.
- 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. Advisors should help their advisees prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

2. Role of the Advisor in Process “B”

- Process “B” 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.
- 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 Decision-Maker during the hearing.

- 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.
- The College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the College is not obligated to provide an attorney.

Q. PROCESS FOR HEARINGS

The Civil Rights Hearing Board is an option for Process “A”, which applies to broader Civil Rights matters. All formal Process “B” complaints for Sexual Harassment matters will include a separate and distinct Live Hearing structure that aligns with the federal Title IX Regulations.

1. Civil Rights Hearing Board (CRHB) for Process “A”

a. Membership

- Each CRHB will have a minimum of three (3) members, comprised of a Chairperson and two (2) individuals selected from the following departments and/or offices:
 - Vice Presidents
 - Academic Deans and/or Associate Dean/Assistant Dean
 - Human Resources Office
 - Dean of Student Development
 - Director of Campus Police and Security
 - Coordinator of Access and Disability Resources and/or Student Success Coaches
 - Directors of Off-Campus Sites
 - Full-Time Faculty
 - Alternate Administrators, as may be identified and trained in accordance with these procedures

STUDENTS CANNOT SERVE ON THE CRHB

b. Training

Members of the CRHB will be trained annually in all aspects of this complaint procedure, and can serve in any of the following roles at the direction of the TIXC.

- Chairperson(s)
- Hearing Board Members
- Advisors

Training Will Include:

- The scope of the College’s Civil Rights and 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; impartiality, conflicts of interest, and bias; presumption that the Respondent is not responsible for alleged conduct prior to a determination is made at the conclusion of the grievance process; rendering findings and generating evidence-based rationales.

c. Proceeding

CRHB Notice and Alleged Violation(s)

- At least five (5) business 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.

Hearing Procedure

- The Complainant and/or Respondent may present any evidence that they feel is pertinent to their position in the complaint.
- If a party is requesting that witnesses be permitted to attend or present evidence, that party must submit a list of requested witnesses to the TIXC at least two (2) business days prior to the scheduled date of the CRHB hearing. Individuals who are not previously identified will not be permitted to attend or participate in the hearing.
- 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.

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;
 - Any previous incidents were 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.

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.

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 discrimination, harassment and/or retaliation;
 - The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation; and
 - The need to remedy the effects of the discrimination, harassment and/or retaliation on the victim and the community.
 - The impact on the parties.

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 should not exceed three (3) pages in length and must be submitted to the TIXC within two (2) business days of the end of the hearing.
- The TIXC will inform the Respondent and Complainant of the final determination of the CRHB within five (5) business days of the hearing. 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.

2. **Live Hearing Board (LHB) for Process “B”**

a. Membership

Each LHB will have a minimum of three (3) members, comprised of a Decision-Maker and two (2) individuals selected from the following departments and/or offices:

- Vice Presidents
- Academic Deans and/or Associate Dean/Assistant Dean
- Human Resources Office
- Dean of Student Development
- Director of Campus Police and Security
- Coordinator of Access and Disability Resources and/or Student Success Coaches
- Directors of Off-Campus Sites
- Full-Time Faculty
- Alternate Administrators, as may be identified and trained in accordance with these procedures

STUDENTS CANNOT SERVE ON THE LHB

b. Training

- Members of the LHB will be trained annually in all aspects of this complaint procedure, and can serve in any of the following roles at the direction of the TIXC.
 - Decision-Maker(s)
 - Hearing Board Members
 - Advisors

Training Will Include:

- The scope of the College’s Civil Rights and 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; impartiality, conflicts of interest, and bias; presumption that the Respondent is not responsible for alleged conduct prior to a determination is made at the conclusion of the grievance process; rendering findings and generating evidence-based rationales; technology training for live hearings.

c. Proceeding

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.
- 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 Decision-Maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the TIXC Coordinator 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 any Decision-Maker on the basis of demonstrated bias. This 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 Decision-Maker(s).
 - For compelling reasons, the Decision-Maker 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 Decision-Maker(s) about the matter, unless they have been provided already.
 - An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-Maker will review 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.
- Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

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

Hearing Preparation

- The TIXC will give the Decision-Maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any witness scheduled to participate in the hearing must have been interviewed first by investigators, unless all parties consent to the witness' participation in the hearing.
- Any Decision-Maker 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 Decision-Maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the TIXC as soon as possible.
- All objections to any Decision-Maker must be raised in writing and submitted 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 Decision-Maker

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.

Hearing Procedure

- The Decision-Maker explains the hearing process. This may include a final opportunity for challenge or recusal of the Decision-Maker(s) 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 Decision-Maker(s) 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 Decision-Maker(s) 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. If such information is introduced, the Chair will direct that it be disregarded.
- The Investigator 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 Decision-Maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations. The Investigator will not be permitted to state their opinions, credibility assessment, recommended findings, or determinations.
- Once the Investigator presents their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Decision-Maker. The parties/witnesses will submit to questioning by the Decision-Maker and then by the parties through their Advisors (“**cross-examination**”).
- All questions are subject to a relevance determination by the Decision-Maker. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing.
- The Decision-Maker may explore arguments regarding relevance with the Advisors. The Decision-Maker 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 Decision-Maker may consult with legal counsel on any questions of admissibility.
- If a party or witness chooses not to submit to cross-examination at the hearing, then

the Decision-Maker 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 Decision-Maker must disregard that statement.

- Evidence provided that is something other than a statement by the party or witness may be considered. The Decision-Maker may not draw any inference solely from a party's or witness's absence from the hearing or refusal to cross examination.
- If charges of policy violations other than Sexual Harassment are considered at the same hearing, the Decision-Maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.
- If a party's Advisor of choice refuses to comply with the College's established rules of decorum for the hearing, the College may require the party to use a different Advisor. If a recipient-provided Advisor refuses to comply with the rules of decorum, the College may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

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 Decision-Maker(s), 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 permission of the TIXC.

Deliberation and Decision-making

- The Decision-Maker will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding.
- When there is a finding of responsibility on one or more of the allegations, the Decision-Maker may then consider the 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 Decision-Maker may, at their discretion consider the statements, but they are not binding.
- The Decision-Maker 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 Decision-Maker will base their determination on a **preponderance of the evidence** (i.e., whether it is more likely than not that the accused individual committed each alleged violation).

Notice of Outcome

- Using the deliberation statement, the TIXC will prepare a Notice of Outcome. The Notice of Outcome will then be reviewed by 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 Decision-Maker(s)' deliberation statement.
- The Notice of Outcome will then be shared with the parties simultaneously or with significant time delay between notifications. 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 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 misconduct report 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.
- Any evidence that the Decision-Maker's determine(s) is relevant and credible may be considered. The hearing does 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.
- 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.

R. POSSIBLE 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:** 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 specific period of time.
- **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

- **Warning:** A formal statement/letter in employee personnel 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.
- **Required Counseling**
- **Required Training:** 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, and/or another appropriate College office.
- **Performance Improvement Plan**
- **Demotion/Loss of Supervisory Responsibility**
- **Suspension Without Pay**
- **Termination**
- **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

S. LONG-TERM REMEDIES/ACTIONS

1. 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 the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.
 - 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 safetyescorts, Climate surveys, Policy modification, Implementation of long-term contact limitations between the parties, and Implementation of adjustments to academic deadlines, course schedules, etc.
2. At the discretion of the TIXC, long-term remedies may also be provided to the Complainant even if no policy violation is found.
3. When no policy violation is found, the TIXC will address any remedial requirements owed by the College to the Respondent.

T. APPEALS PROCESS

1. Any party that is dissatisfied with the resolution process in the informal resolution of a complaint may request an appeal.
2. Determinations made at a hearing by the CRHB in Process “A” or by the Decision-Maker in Process “B” may be appealed by either party by submitting a Request for Appeal. The Request for Appeal must be submitted in writing to the TIXC and include the specific ground(s) for the appeal, as provided in the section below.
3. **Grounds for Appeal**
 - To consider new information, reasonably unavailable during the informal phase and/or at the formal hearing, that could determine a different outcome.
 - To assess whether a material deviation from written procedures impacted the fairness of the informal review or formal hearing process.
 - To decide if a sanction issued to a Respondent was grossly disproportionate to the severity of the offense.
 - To assess whether bias or conduct on the part of the TIXC and/or their designees during the investigation and/or at an administrative hearing or by the CRHB/LHB at the formal hearing deprived the process of impartiality.
4. **Sanctions Status During the Appeal**
 - Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above. If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) 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.
5. **Deadline for Filing Appeals**
 - The Request for Appeal must be submitted in writing to the TIXC within five (5) business days following the receipt of the decision from which the appeal is being taken.
6. **Appeals Hearing Process**
 - After receipt of the Request for Appeal, the TIXC will contact the parties to set up a time and location for the appeal hearing. The parties will be given at least one (1) week notice of the hearing.
 - At the hearing, the Complainant and/or Respondent may present any evidence that they feel is pertinent to their appeal. If a party is requesting that witnesses be permitted to attend or present evidence, that party must submit a list of requested witnesses to the TIXC at least two (2) business days prior to the appeal hearing. Individuals not identified will not be permitted to attend or participate in the hearing.
 - An appeal is not a reinvestigation and/or a rehearing, though witnesses may be called or parties questioned as necessary. The reviewing body will be deferential

to the original Decision-Maker, making changes to the finding only where there is clear error and to the sanction only if a compelling justification to do so exists.

- Appeals will be heard by the CRHB. Members of the CRHB Appeals Committee will be different individuals than those who served during Process “A” or Process “B” hearings, to ensure impartiality.
- The decision of the CRHB at the appeals phase is final, and will be issued within five (5) business days of the hearing. There are no further levels of appeal.

U. TIME FRAME

1. 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 complaint process. Extenuating circumstances that may delay completion of the complaint 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.

V. TIME LIMITS ONREPORTING

1. 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.

W. FALSE REPORTING

1. It is a violation of College policy to file a knowingly false or malicious complaint of an alleged Civil Rights or Sexual Harassment violation, or to knowingly provide false information in connection with an investigation into a complaint filed under these procedures. Violations of this standard will result in disciplinary action. A complaint filed in good faith under these procedures will not result in disciplinary action.

X. RETALIATION

1. Civil Rights laws and College policies strictly prohibit retaliation against any person who, in good faith, reports or makes a complaint under these procedures 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.

Y. RECORD RETENTION

1. The College shall retain documents related to complaints under this procedure as required by law. The TIXC shall be primarily responsible for records related to all Civil Rights complaints.

Z. STATEMENT OF RIGHTS OF THE PARTIES

1. The right to be treated with dignity and respect by College officials.
2. The right to an equitable investigation and resolution of all credible allegations of

- prohibited harassment or discrimination made in good faith to College officials.
3. The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
 4. The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
 5. The right to have College policies and procedures followed without material deviation.
 6. The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
 7. The right not to be discouraged by College officials from reporting Sexual Harassment or discrimination to both on-campus and off-campus authorities.
 8. The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by College authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
 9. The right to have allegations of violations of this Policy responded to promptly and with sensitivity by College law enforcement and/or other officials.
 10. The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
 11. The right 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.
 12. The right to be informed of available assistance in changing academic, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available.
 13. The right to have the College maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the College's ability to provide the supportive measures.
 14. The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
 15. The right not to have irrelevant prior sexual history or character admitted as evidence.
 16. The right to know the relevant and directly related evidence obtained and to respond to that evidence in Process "B".
 17. The right to fair opportunity to provide the Investigator with their account of the alleged misconduct and have that account be on the record.
 18. The right to receive a copy of the investigation report in Process "B", including all factual, policy, and/or credibility analyses performed, and all relevant evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review

the report prior to the hearing.

19. The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
20. The right to regular updates on the status of the investigation and/or resolution for Sexual Harassment claims in Process “B”.
21. The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-Makers who have received relevant annual training.
22. The right to preservation of privacy, to the extent possible and permitted by law.
23. The right to meetings, interviews, and/or hearings that are closed to the public.
24. The right to petition that any College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
25. The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
26. The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
27. The right to have an impact statement considered by the Decision-Maker following a determination of responsibility for any allegation, but prior to sanctioning.
28. The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.
29. The right to a fundamentally fair resolution as defined in these procedures.

**ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL
USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS
PERMITTED THROUGH A LIMITED LICENSE TO
BUTLER COUNTY COMMUNITY COLLEGE. ALL OTHER RIGHTS RESERVED.
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**BUTLER COUNTY COMMUNITY COLLEGE
CIVIL RIGHTS AND SEXUAL MISCONDUCT COMPLAINT FORM**

If you have any questions in regard to how to complete this form or acquire assistance, please contact the Executive Director of Human Resources/Equal Opportunity Compliance Officer/TIXC at (724) 287-8711, Ext. 8353.

Please print and complete the following:

Today's Date: _____

Complainant's Name: _____
Last Name First Name Initial

Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Home Telephone Number: _____ **Cell Telephone Number:** _____

Relationship to BC3: Employee Student Applicant Guest/Visitor Vendor

If employee, list position held at BC3: _____

If you are not the victim, please indicate their name(s) _____

Is victim an Employee Student Applicant Guest/Visitor Vendor

Name(s) of who you believe committed the alleged act(s) (Respondent): _____

Is Respondent an Employee Student Applicant Guest/Visitor Vendor

Indicate Area(s) for Complaint:

Discrimination Harassment Sexual Harassment Access/Accommodation

Describe Specific Area of Violation (i.e. race, color, religious creed, ancestry, national origin, handicap or disability, use of a service animal due to disability, age, sex, sexual orientation, gender identity or expression, perceived gender identity, genetic information, veteran status, marital status, family status, or other classification protected by applicable law, type of harassment, sexual harassment, etc.):

Specifics of Complaint (describe in detail the nature of the alleged incident, including name of individual(s) responsible for the alleged incident(s) (if known), when and where the alleged incident(s) occurred, describe what occurred, provide the name(s) and contact information of any witnesses(s) (if known), and any additional information that you feel is relevant to the alleged incident.) Attach additional page(s), if necessary.

Please describe any corrective action you would like to see taken with regard to the alleged incident.
Attach additional page(s), if necessary.

Signature of Complainant

Acknowledgement:

I, _____, am willing to cooperate fully in the investigation of my complaint and will provide all information in my possession, custody or control which the College may reasonably request in connection with its investigation. I affirm that the information I am providing is true and correct to the best of my knowledge. I understand that my statements and the information that I am providing may be attributed to me and could be included in any investigation reports that are prepared. I also understand that this investigation is confidential and for me to disclose any information that I have obtained during the course of this investigation could interfere with the investigation. I also understand that if I do not fully cooperate, decisions will be made based on the best information available to the College.

Signature _____ Date _____

Witness _____ Date _____