



**OAKLAND
COMMUNITY
COLLEGE™**

Administrative Policy

Policy Type:	Administrative
Policy Title:	Sexual Misconduct and Harassment Not Covered by Title IX
Office Responsible:	Human Resources
Related Policies:	See text of policy
Related Laws:	See text of policy

I. Policy Statement

OCC is committed to maintaining an environment that is free of unlawful sexual and gender-based misconduct, harassment, discrimination and retaliation (Prohibited Conduct). This Policy applies to students, faculty, staff and third parties who are: 1) employed by, attending or affiliated with OCC; 2) participating in, or attempting to participate in any OCC program or activity and /or 3) visiting OCC's campus(es) or any property owned or used by OCC.

OCC adopts this Policy with a commitment to: 1) eliminating, preventing and addressing the effects of Prohibited Conduct; 2) fostering an environment where all individuals are well-informed and supported in reporting Prohibited Conduct; 3) providing a fair and impartial process for all parties; and 4) identifying the procedures by which violations of this Policy will be evaluated.

It is the responsibility of every member of the OCC community to foster an environment free of Prohibited Conduct. OCC employees have a duty to report safety or security concerns and crimes or Policy violations, including potential violations of this Policy. Allegations that rise to the level of Title IX violations will be addressed separately under [OCC's Title IX Policy and Procedures](#).

Students, faculty, staff or third parties who violate this Policy may face, as appropriate, formal sanctions up to and including termination, expulsion or other actions.

OCC shall have the discretion to refer complaints of Prohibited Conduct not covered by this Policy to any other appropriate office for handling under any other applicable College policy or code.

II. Prohibited Conduct

Prohibited Conduct under this Policy includes the following specifically defined forms of behavior: Non-Consensual Sexual Intercourse, Non-Consensual Sexual Contact; Sexual Exploitation; Sexual Harassment; Gender-Based Harassment; Retaliation; Aiding, Facilitating, Encouraging, Concealing, or Otherwise Assisting in Prohibited Conduct; and Violating a Protective Measure.

Some Prohibited Conduct that is sufficiently severe, pervasive and/or objectively offensive that effectively denies a student or an employee equal access to OCC's education programs or activities may also constitute Title IX Misconduct. Title IX Misconduct is a subset of Prohibited Conduct that rises to a level of severity and pervasiveness that is expressly prohibited by Title IX.

Whether someone has engaged in Prohibited Conduct under this Policy will be assessed under a “Reasonable Person” standard, which means the conduct will be evaluated from an objective standard that does not directly depend on the perspective of the complainant, but depends on the perspective of a reasonable person similarly situated to the complainant and in consideration of the context of the behavior and circumstances.

Types of Prohibited Conduct

1. Non-Consensual Sexual Intercourse

Any form of vaginal, anal, or oral penetration by a penis, object, tongue, or digits without a person’s affirmative consent; or oral copulation (mouth-to-genital contact or genital-to-mouth contact) without a person’s affirmative consent, no matter how slight the penetration or contact.

2. Non-Consensual Sexual Contact

Any intentional sexual touching, directly or indirectly, without a person’s affirmative consent. Intentional sexual touching includes deliberate contact, under or over clothing, with the breasts, buttocks, groin, or genitals, or conscious and willful touching another with any of these body parts; making another person touch any of these body parts under or over clothing; and the emission of ejaculate on the clothing or body of another person.

3. Sexual Exploitation

Non-consensual abuse or exploitation of another person’s sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other purpose. Examples of sexual exploitation may include, but are not limited to: invasion of sexual privacy; prostituting an individual; non-consensual video- or audio-recording of sexual activity or circulation of such recorded material (i.e. revenge pornography); non-consensual photographing individuals who are partly undressed, naked, or engaged in sexual acts and transmitting or posting those photographs without an individual’s consent; observing unsuspecting individuals who are partly undressed, naked, or engaged in sexual acts; knowingly transmitting a sexually transmitted disease (STD); exposing one’s breasts, buttocks, or genitals without affirmative consent or inducing another to do the same; and inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

4. Sexual Harassment

Unwelcome sexual advances, requests for sexual contact or favors, conduct based on gender stereotypes, or other verbal, non-verbal, physical, or visual conduct of a sexual nature constitutes sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s academic, co-curricular, or campus life activities or of an individual’s employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for academic or student life or employment decisions affecting that individual;
- c. The conduct is so severe or pervasive that it unreasonably interferes with a person’s College employment, academic performance, or participation in College programs or activities; or
- d. The conduct is so severe or pervasive that it creates an intimidating, hostile, demeaning, or offensive student learning environment or employment setting.

Examples of Sexual Harassment

- a. Physical assault;
- b. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
- c. Direct propositions of a sexual nature which are unwelcome or intimidating to the recipient;
- d. Subtle pressure for sexual activity, an element of which may be conduct such as repeated and unwanted staring that would discomfort or humiliate a reasonable person at whom the staring was directed;
- e. An unwelcome pattern of conduct (not legitimately related to the subject matter of a course if one is involved) intended to discomfort and/or humiliate a reasonable person at whom the conduct was directed that includes one or more of the following: (i) comments of a sexual nature; or (ii) sexually explicit statements, questions, jokes, or anecdotes; or
- f. An unwelcome pattern of conduct that would discomfort and/or humiliate, a reasonable person at whom the conduct was directed that includes one or more of the following: (i) unnecessary touching, patting, hugging, or brushing against a person's body; (ii) remarks of a sexual nature about a person's clothing or body; or (iii) remarks about sexual activity or speculations about previous sexual experience.

5. Gender-Based Harassment

Gender-Based Harassment includes harassment based on actual or perceived sex, sexual orientation, gender identity, gender expression, or pregnancy. Such harassment may include acts of aggression, intimidation, or hostility, whether verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the behavior:

- Effectively denies access to a College program or activities, as defined by a reasonable person;
- Is used as the basis for or a factor in decisions affecting that individual's employment, education or participation in a College program or activity; and/or
- Creates a severe or pervasive environment for that individual's participation in a College program or activity. A hostile environment exists when the conduct is sufficiently severe, persistent or pervasive that it unreasonably interferes with an individual's participation in a College program or activity, or creates an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment, or participation in a College program or activity. Conduct must be deemed severe, persistent, or pervasive (based upon a reasonable person standard). In evaluating whether a hostile environment exists, the College will consider the totality of known circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior.

Although a harassing hostile environment is generally created through a series of incidents, for purposes of this Policy, a severe incident, even if isolated, can be sufficient. Examples of conduct that may constitute Gender-Based Harassment include but are not limited to:

- A series of written, verbal, or electronic statements that disparage a person based on their actual or perceived sex, gender identity, gender expression, sexual orientation, or pregnancy;

- Threats of violence toward an individual based on their actual or perceived identity; within a protected class, or toward an entire sex, gender identity, gender expression, sexual orientation, or pregnancy status as a group; and/or
- Defacing College property, or another individual's property, with symbols or language intended or understood by a reasonable person to disparage or threaten a person or group based on sex, gender identity, gender expression, sexual orientation, or pregnancy.

This definition addresses intentional conduct. It also includes conduct which results in negative effects even though such negative effects were unintended. Unwelcome behavior constitutes Gender-Based Harassment if a reasonable person would consider it sufficiently severe, persistent, or pervasive as to interfere unreasonably with academic, other educational, or employment performance or participation in a College activity or living environment.

6. Retaliation

Any adverse action or threatened action, taken or made, personally or through a third party, against someone who has filed a sexual harassment/misconduct report or complaint (a complainant), has been the subject of a sexual harassment/misconduct report or complaint (a respondent), or any other individual who engages with the College in connection with a sexual harassment/misconduct complaint. All individuals and groups of individuals, not just a respondent or complainant, are prohibited from engaging in retaliation.

- Retaliation includes directly or indirectly threatening, intimidating, harassing, or engaging in any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy, such as seeking services; receiving protective measures and accommodations; reporting sexual harassment/misconduct; and/or participating in an investigation or adjudication.
- Retaliation may be present even when there is a finding of "no responsibility."

This provision does not apply to reports made, or information provided, in good faith, even if the facts alleged in the report are determined not to be accurate. Filing a counter complaint, counter appeal, or conduct complaint through processes established by College policy does not, in itself, constitute retaliation, unless it is determined that the filing was without a reasonable basis and made in bad faith.

7. Aiding, Facilitating, Encouraging, Concealing, or Otherwise Assisting in Prohibited Conduct

Aiding, facilitating, encouraging, concealing, or otherwise assisting in a violation (or attempted violation) of this Policy is prohibited by this Policy.

8. Violation of Protective Measures

Violation of a protective measure occurs when an individual deviates from the guidelines of an express directive by a College official. Violation of a Protective Measure is considered a violation of this policy.

III. Definitions

Prohibited Conduct includes a range of behaviors focused on sex and/or gender. Prohibited Conduct can occur between strangers, acquaintances, or people who know each other well, including between people involved in a consensual relationship. Prohibited Conduct can be committed by anyone regardless of gender identity or sexual orientation and can occur between people of the same or

different sex or gender. For purposes of this Policy, some key terms are defined below. Additional terms are defined within the text of the Policy.

A. Prohibited Conduct: As referred to in Section II, “Prohibited Conduct” is an umbrella term that encompasses all unwelcome conduct based on sex or gender that is so severe or pervasive that it has the purpose or effect of unreasonably interfering with a person’s employment, academic performance or participation in College programs or activities, or creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive. “Prohibited Conduct” includes non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, sexual harassment, gender-based harassment, retaliation, and aiding, facilitating, encouraging, concealing, or otherwise assisting, and violating a protective measure.

B. Community: OCC students and employees.

C. Complainant: An individual who is the victim of, or alleged to be the victim of, conduct that may constitute “Prohibited Conduct” under this Policy.

D. Confidentiality and Privacy: Confidentiality and Privacy have distinct meanings under this Policy.

“Confidentiality” generally means that information shared with a licensed confidential resource cannot be revealed to any other person or office unless written permission is granted by the individual to share their information.

“Privacy” generally means that information related to a report of Prohibited Conduct will only be shared with a limited circle of individuals who “need to know” in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), (20 U.S.C. § 1232g; 34 CFR Part 99), as outlined in the [College’s FERPA Policy](#). The privacy of an individual’s medical and related records may be protected by the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), excepting health records protected by FERPA. Access to an employee’s personnel records may be restricted by applicable state and federal law.

While there are certain limitations on privacy, the College generally will not release the names of the complainant or respondent to the general public without express written consent or absent another exception consistent with the law. The release of names will be guided by applicable law, including the Family Educational Rights and Privacy Act (FERPA) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), 20 U.S.C. §1092(f) (2018).

In addition, no information shall be released from a proceeding to enforce this Policy except as required or permitted by law and College Policy.

E. Confidential Resource – A licensed OCC counselor who provides psychological services on an emergency basis pending referral to outside resources.

F. Consent: A free and willing agreement to engage in a sexual act, provided without force or coercion, between individuals who are of sufficient age and are not mentally incapable, mentally disabled,

mentally incapacitated or physically helpless, or incapacitated by drugs or alcohol. Consent is a clear and unambiguous agreement, expressed outwardly through mutually understandable words or actions, to engage in a particular activity. Consent must be voluntarily given and cannot be obtained through coercion or force, and the person initiating a specific sexual activity is responsible for obtaining consent for that activity. Consent is not to be inferred from silence, or a lack of resistance. Consent is not to be inferred from an existing or previous dating or sexual relationship. Consent to engage in one sexual activity at one time is not consent to engage in a different sexual activity or to engage in the same sexual activity on a later occasion. Consent can be withdrawn by any party at any point. Once consent is withdrawn, the sexual activity must cease immediately. For purposes of this Policy, in evaluating whether consent was freely sought and given, the issue is whether the respondent knew, or reasonably should have known, that the activity in question was not consensual or that the complainant was unable to consent due to incapacitation.

G. Days: Any reference to days within this Policy shall be counted as College business days unless otherwise specified.

H. Educational Programs or Activities: Locations, events, and circumstances where the College exercises substantial control over the respondent and the context in which the Prohibited Conduct occurred.

I. Employee: All regular instructional faculty, supplemental instructional faculty, adjunct faculty, and all other regular and temporary staff.

J. Formal Complaint: A formal complaint is the act that initiates an investigation and the formal resolution process (Section V). A formal complaint must be filed and signed by a complainant or signed by the Title IX Coordinator, alleging conduct which would constitute a violation of this Policy and requesting OCC to investigate the allegations. A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail (email) by using the contact information listed on the College's [Title IX website](#). Persons who would like more information about filing a Formal Complaint are invited to contact the Title IX Coordinator for additional information.

K. Informal Resolution: A process where both parties sign and agree to a confidential, facilitated mediation not involving a formal investigation and hearing. Informal resolution is only permitted to address allegations of student on student Prohibited Conduct and is never allowed as an option to resolve allegations that an employee committed an act of Prohibited Conduct against a student.

L. Investigator: An appropriately trained individual, who may be a College employee, who reviews and investigates reports of Prohibited Conduct under this Policy.

M. Preponderance of the Evidence: This means "more likely than not" and is the standard of evidence used during an investigation to determine whether the alleged conduct occurred and/or this Prohibited Conduct Policy was violated.

N. Protected Activity: Exercising any right or privilege under this Policy. Examples of protected activities include reporting (internally or externally) a complaint of Prohibited Conduct in good faith, assisting others in making such a report, participating in a grievance process, acting in good faith to oppose conduct that constitutes a violation of this Policy, honestly participating as an investigator, witness, decision maker, or otherwise assisting in, an investigation or proceeding related to an alleged violation of this Policy.

O. Student: Any person pursuing academic studies at the College. This term also includes a person who has applied or been accepted for admission to OCC and has accepted an offer of admission or may reasonably be expected to enroll. The term “student” also includes individuals enrolled on a credit or non-credit basis.

P. Supportive Measures: Non-Formal, non-punitive, free of charge individualized services offered to a complainant and/or respondent by OCC as appropriate and reasonably available. Such measures are designed to restore or assure equal access to OCC’s education programs or activities without unreasonably burdening the other party. Supportive measures are also available whether or not a Formal Complaint has been filed. Supportive measures may include, but are not limited to, academic support, class and work schedule changes, mutual ban on contact (no-contact directive), increased security, or other measures as determined on a case-by-case basis.

Note: Any Supportive Measures put in place will be kept confidential, except to extent that doing so impairs the ability of the College to provide the Supportive Measures.

Q. Reasonable Person: A person using average care, intelligence, and judgment in the known circumstances.

R. Respondent: An individual who is reported to have engaged in Prohibited Conduct under this Policy.

S. Third Party: All College contractors, guests, vendors, visitors, volunteers, and any individual who is participating or attempting to participate in an College program or activity, but who is not enrolled in a College program or activity, nor acting as a College employee.

T. Title IX Coordinator: The College official or their designee charged with ensuring the College’s overall compliance with Title IX and related College Policy and procedures.

U. Title IX Misconduct: “Title IX Misconduct” is a subset of Prohibited Conduct that rises to a level of severity and pervasiveness such that it is prohibited expressly by [Title IX](#). Conduct that does not meet the strict definition for Title IX Misconduct is still prohibited by this Policy if it otherwise constitutes Prohibited Conduct.

IV. Making a Report

OCC encourages individuals to report incidents involving Prohibited Conduct and other potential violations of this Policy. OCC does not limit the timeframe for reporting an incident regardless of when the incident occurred. However, the College encourages individuals to report as soon as practical, as memories may fade and evidence may be lost over time.

Individuals may also notify the Title IX Coordinator if they believe someone else may have experienced conduct that would be a violation of this Policy.

Reports of potential violations of this Policy may be made to the Title IX Coordinator, Donna Tuchowski, at titleixcoordinator@oaklandcc.edu; or djtuchow@oaklandcc.edu.

Reports to the Title IX Coordinator of potential violations of this Policy will be kept private to the extent possible for the College to respond to the report, but reports made to the Title IX Coordinator are not confidential.

Upon being notified of a report, the Title IX Coordinator shall reach out to the complainant to schedule an intake interview and will also provide complainant with information regarding resources, rights, Supportive Measures, and reporting options, and will explain that Supportive Measures are available without filing a Formal Complaint.

Anonymous Reports: Any individual may make an anonymous report concerning an act of Prohibited Conduct. Depending on the extent of information available about the incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited. The Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate, and in consultation with OCC officials who insure compliance with all Clery Act obligations.

Please note that a Formal Complaint cannot be filed anonymously.

Responsibility to Report: The College encourages all members of the OCC community to make the College a safe and supportive environment for everyone, including calling 911 or OCC Public Safety in an emergency situation or to report a crime or other incident that poses a risk of harm to the OCC community. **Any** College employee who is not a confidential resource under this Policy and who witnesses, is advised of, or learns about an alleged violation of this Policy **must promptly notify** the Title IX Coordinator of the incident by email or telephone. The employee must report to OCC's Title IX Coordinator all relevant details about the alleged misconduct known to the employee or shared with them.

Amnesty: A complainant or Third Party who reports a violation of this Policy, or any participant in an investigation or Hearing under this Policy, will not be subject to the College's Policy concerning alcohol or drug use for actions that may have occurred at or near the time of Prohibited Conduct, unless the action threatens the health or safety of another.

Report to Law Enforcement

Students, employees, and third parties have the option to file a complaint directly to OCC Public Safety or any other applicable law enforcement authorities, so that the matter can be pursued through the criminal justice system. Students, employees, and third parties may contact the Title IX Coordinator for assistance in filing a complaint with law enforcement.

V. Submitting a Complaint and Resolution Process

In order to proceed to a Resolution Process, a Formal Complaint must be filed and signed by either complainant or the Title IX Coordinator.

An individual may choose to file a Formal Complaint. A Formal Complaint has a very specific definition under this Policy, and differs from solely making a report to the Title IX Coordinator. Unless it is dismissed as set forth below, filing a Formal Complaint will result in written notification to the respondent and the commencement of the Resolution Process.

At the time of filing a Formal Complaint, the complainant must be participating in or attempting to participate in a College program or activity. A Formal Complaint may not be filed anonymously. Anyone who wishes to discuss their options with the Title IX Coordinator prior to filing a Formal Complaint is encouraged to do so.

A Formal Complaint may be made by:

- a) requesting a form by email from the Title IX Coordinator;
- b) by picking up a form from the Title IX Office and returning it (by U.S. Mail, email, or in person); or
- c) by emailing the Title IX Coordinator.

Reports to the Title IX Coordinator of potential violations of this Policy will be kept private to the extent possible for the College to respond to the report, but reports made to the Title IX Coordinator are not confidential.

Upon being notified of a potential violation of this Policy, the Title IX Coordinator shall reach out to the complainant to schedule an intake interview and will also provide information regarding resources, rights and reporting options.

A Formal Complaint must include:

- A. The complainant's digital or physical signature, or an indication that the complainant is the person filing the Formal Complaint;
- B. An allegation of Prohibited Conduct as defined under this Policy. This may include:
 - i. Where the incident(s) occurred
 - ii. What incident(s) occurred
 - iii. When the incident(s) occurred;
- C. Identity of respondent, if known; and
- D. A request for an investigation.

Formal Complaints may be made to the Title IX Coordinator by US Mail, email, or in person:

Title IX Coordinator: Donna Tuchowski

Address: 2480 Opdyke Road Bloomfield Hills, MI 48304-2266

Phone: (248) 341-2200

Email: titleixcoordinator@oaklandcc.edu; or djtuchow@oaklandcc.edu

If a complaint is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the complainant to confirm a complainant's intent to file a Formal Complaint. Further, if the Formal Complaint does not have sufficient information to determine whether or not the conduct as alleged will fall under this Policy, the Title IX Coordinator will contact the complainant to schedule an intake interview.

Upon receipt of a Formal Complaint, the Title IX Coordinator will reach out to the complainant to conduct an intake interview and to discuss and implement Supportive Measures. In the event that the complainant declines to participate in an intake interview, and if the Formal Title IX Complaint contains an allegation meeting all of the jurisdictional elements of this Policy, and the Formal Complaint is signed

or includes an electronic submission from the complainant and requests an investigation, the Title IX Coordinator will, within two (2) days, put the respondent and complainant on notice of the allegation and commence the investigation process.

VI. Initial Assessment

Intake interview. Upon receipt of information alleging a potential violation of this Policy, the Title IX Coordinator shall reach out to the Complainant to schedule an intake or informational interview and provide a copy of this policy and the following information:

- Availability of Supportive Measures with or without filing a Formal Complaint;
- How to file a Formal Complaint;
- Right to notify law enforcement and the right not to notify law enforcement;
- Importance of preserving evidence;
- Resources for counseling, health care, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other available services; and,

The Title IX Coordinator will discuss the complainant's rights and options, and will also assess for and provide appropriate Supportive Measures, which are available with or without the filing of a Formal Complaint.

In the event the allegation involves a sexual assault, dating or domestic violence, or stalking within Clery geography, the Title IX Coordinator will also notify the Clery Coordinator of the allegations. Complainants will also be provided with information about their right to file with law enforcement, their right to decline to do so, and, when applicable, information about seeking a personal protection order from the local courts.

If the allegations do not meet the required definitions of this Policy, the Title IX Coordinator shall have the discretion to refer the complaints of unlawful sexual and gender-based harassment and discrimination not covered by this Policy to any other appropriate office for handling under any other application policy or code.

The Title IX Coordinator shall have the discretion to sign a Formal Complaint and initiate an investigation when a complainant's allegations involve violence, use of weapons, serial predation, or similar factors. The Title IX Coordinator does not become the "complainant" if a Formal Complaint is initiated under these circumstances.

VII. Methods of Investigation and Resolution

Prohibited Conduct may be resolved by using an informal or formal process. The Title IX Coordinator will determine if the matter is appropriate for informal resolution. Either party may request one of these forms of resolution.

1. Informal Resolution

Parties have the option of informally resolving complaints of alleged sexual misconduct/harassment through mediation. For the informal resolution process to commence, however, both parties must agree to submit to the informal resolution process. The College has the discretion to determine whether the nature of the reported conduct is appropriate for informal resolution.

If the parties agree to submit to informal resolution, the Title IX Coordinator or his/her designee will conduct a short investigation of the matter; the Title IX Coordinator or his/her designee will meet with the parties and collect information relevant to the matter, but may not necessarily speak to any witnesses identified by either party.

Both parties retain the right to end the informal resolution process at any time prior to signing the Outcome Resolution Agreement Form and initiate the formal process.

The informal resolution process will involve mediation with a facilitator. Mediation will be used only with the consent of both the parties, and either has the right to terminate the mediation process and resume the formal resolution process at any time.

The mediation process will typically commence within ten (10) business days after consent to mediate is received from both the complainant and the respondent, and will continue until concluded or terminated, either by one of the parties or the Title IX Coordinator. If the mediation results in resolution, the formal process will be concluded, and the matter will be closed. If a resolution cannot be reached, the investigatory and formal process will proceed as it would have before the mediation process.

If mediation is successful, the parties will sign an outcome resolution agreement. Failure by either party to adhere to the terms outlined in the resolution agreement may result in formal action and sanctions under this policy, the Student Code of Conduct or employee sanctions.

2. Investigation and Formal Resolution Process

The College's response to the alleged discrimination will depend upon the severity or pervasiveness of the alleged conduct, which may be determined by the existence of prior incidents of harassment or discrimination. Depending upon the severity of the offense, however, a single violation of this Policy may be sufficient to support a violation.

Matters that cannot be resolved through the informal resolution process may proceed through a formal investigation and resolution process. See Appendix A, Formal Resolution Process for Non-Title IX Misconduct by a Student, and Appendix B, Formal Resolution Process for Non-Title IX Misconduct by an Employee.

VIII. Sanctions

Upon conclusion of the adjudicating process, a finding will be made. Persons who violate one or more provisions in this Policy will be disciplined. Sanctions shall be determined by the Vice Chancellor for Student Services and/or the Vice Chancellor for Human Resources. The particular form of sanction will depend on the nature of the offense, as well as any prior formal history. Such sanction will be imposed pursuant to and in accordance with any and all applicable OCC rules, policies, and procedures. A person against whom such sanction is imposed will have a right to contest the imposition of a sanction. Any one or more of the sanctions listed here may be imposed on an individual who is found responsible for a violation of OCC's policies. Sanctions are assessed in response to the specific violation(s) and any prior discipline of the individual.

Possible sanctions include, but are not limited to:

Warning: Verbal Notice, with documentation in the student or personnel file, that continuation or repetition of Prohibited Conduct may be cause for additional formal action.

Censure: A written reprimand for violating OCC Policy. This conduct status specifies a period of time during which the respondent's good standing with OCC may be in jeopardy. The respondent is officially warned that continuation or repetition of Prohibited Conduct may be cause for additional conduct action including probation, suspension, expulsion or termination from OCC.

Behavioral Contract: Formal written notice that the student respondent will be expected to adhere to College expectations regarding their conduct as may set forth in a behavioral contract. Any violation of that contract may result in further formal action.

Demotion or Change in Employment Status: Temporary or permanent changes or demotions in employment position, status or title which may or may not include an adjustment in salary.

Restrictions on Access or Duties: Conditions which specifically dictate and limit the respondent's presence on campus, restrict employment duties, and/or participation in OCC sponsored or related activities. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus.

Restitution: Repayment to OCC or to an affected party for damages (amount to be determined by the OCC) resulting from a violation of this Policy. To enforce this sanction, OCC reserves the right to withhold transcripts and degrees or to deny a student participation in graduation ceremonies or privileged events.

Probation: Formal, written notice that the employee is in violation of OCC's policies and an expectation that the employee exhibit good behavior for a defined period of time. Any violation during the probationary period may result in further formal action.

Termination of Employment: Permanent separation of the employee from OCC.

Expulsion: Permanent separation from OCC effective immediately. Any refund of tuition or fees as result of the expulsion shall be in accordance with applicable policies. No academic credit may be earned for that semester.

Withholding Degree: OCC may withhold awarding a degree otherwise earned until the completion of the process set forth in this Policy, including the completion of all sanctions imposed, if any.

Other: Other sanctions may be imposed instead of, or in addition to, those specified here. Service, education, or research projects may also be assigned.

Multiple Formal Actions: More than one of the actions listed above may be imposed for any single violation.

IX. Appeals

Appeals may be filed by either party. The appeal process is documentary only, and no hearing is held. To appeal, a party must electronically submit a written appeal statement to the Title IX Coordinator

within five (5) days of receipt of the written determination or dismissal. The Appeals Officer may deem a late submission reasonable only under extenuating circumstances, and the Appeals Officer may decide, in their sole discretion, what constitutes extenuating circumstances. When an appeal is filed, the other party shall be notified, in writing, within one (1) day, and shall have five (5) days to respond to an appeal. If the appealing party has been granted additional time to appeal based on extenuating circumstances, the other party shall be granted an equal time period to respond to the appeal. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal. Each party shall be allowed to meet with the Appeals Officer.

Appeals May be Filed Only on the Following Four Grounds:

1. **Procedural Error:** A procedural error occurred that significantly impacted the outcome of the investigation or Hearing. A description of the error and its impact on the outcome of the case must be included in the written appeal; or
2. **New Evidence:** New evidence or information has arisen that was not available or known to the party during the investigation or Hearing, and that could significantly impact the findings. Information that was known to the Appellant during the investigation or Hearing but which they chose not to present is not new information. A summary of this new evidence and its potential impact on the investigation findings must be included in the written appeal; or
3. **Conflict of Interest or Bias:** The Hearing Officer had a conflict of interest or bias that affected the outcome of the matter.
4. **Excessive Sanctions:** To allege that the sanction(s) imposed is/are overly excessive or insufficient.

The right to appeal, however, by an employee only applies where the sanction is suspension without pay or termination of employment.

The written appeals decision shall be sent simultaneously to both parties which describes the result of the appeal and the rationale for the result. The written decision of the appeals officer is final and not subject to any further appeals.

Union Grievance Process

If a sanction is imposed upon a union member, and following an appeal under this Policy, the respondent has a right to challenge that sanction pursuant to the grievance and arbitration provisions of a collective bargaining agreement.

X. Privacy and Resources

OCC is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. With respect to any report under this Policy, the College will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. All College employees who are involved in the College's response to alleged Prohibited Conduct violations receive specific instruction about respecting and safeguarding private information.

Resources

An individual who seeks confidential assistance may do so by speaking with a licensed professional counselor at Counseling Services (<https://oaklandcc.edu/counseling/default.aspx>).

Information shared with a counselor at Counseling Services is not considered a report to the College.

Available resources:

A Resource Handbook for Campus Sexual Assault Survivors, Friends, and Family
(https://www.michigan.gov/documents/campussexualassault/Campus_Sexual_Assault_Book_613695_7.pdf)

Teen Yellow Pages (<http://www.teenyellowpages.net/>)

Community resources for victims of sexual misconduct include:

Common Ground - (800) 231-1127 (<https://commongroundhelps.org/>)

H.A.V.E.N., P.O. Box 431045, Pontiac, MI 48343 (877) 922-1274 (<https://www.haven-oakland.org/>)

Victim Assistance Services, Oakland County Prosecutor's Office - (248) 858-0707

End Violent Encounters (EVE) 24-hour Hotline: (517) 372-5572

EVE is a confidential community-based program providing supportive services to survivors of domestic abuse and sexual violence.

Appendix A: Formal Resolution Process for Non-Title IX Misconduct by a Student

Appendix A outlines the formal resolution procedures the College follows in resolving allegations that a person has been subjected to Non-Title IX Misconduct by a student in violation of the College's Sexual Misconduct Policy.

Notice of Investigation

If (1) the Title IX Coordinator determines that the complainant's report must proceed through this process, (2) either the complainant or respondent declines to pursue informal resolution; or (3) either the complainant or respondent fails to respond to the Title IX Coordinator's inquiry regarding informal resolution; the Title IX Coordinator will notify both parties, in writing, that the complaint will proceed through the formal resolution process. The Title IX Coordinator's written notification to the respondent and complainant will include:

- The complainant's name;
- Nature of the report;
- Specific policy violation(s) alleged (e.g., sexual assault, sexual harassment, retaliation);
- Date(s) of alleged policy violation(s);
- Location(s) of alleged policy violation(s);
- Brief description of allegation(s);
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the formal resolution process;
- A statement that the parties have the right to review and inspect all evidence being considered by the Investigator or Hearing Officer during the formal resolution process, consistent with this Policy; and
- A statement regarding the College's policy related to false reports and making knowingly false statements during the formal resolution process.

The notice of the complaint will also be accompanied with a request for a meeting with the Title IX Coordinator. At the meeting, or if the respondent does not respond to the meeting request or is unable to meet within three (3) business days of the originally set meeting date, the Title IX Coordinator will provide the following information in writing:

- On and off-campus resources, including counseling, health, mental health, legal assistance (including connecting respondent with visa and immigration advisory resources), student financial aid, and other available services.
- The range of supportive measures and remedies available, including changes to academic, transportation, and/or working situations, or other supportive measures as may be appropriate.
- An overview of the procedural options and process, including informal resolution and formal resolution. (Informal resolution not available if allegation involves a student making a complaint against an employee).

- The student may have an advisor or support person of their choice during the process. Employees may have an advisor and/or union representative of their choice during the investigation process. Such individuals may act only as observers and counsel the student or employee in private, and will not be allowed to speak or participate unless otherwise permitted under this Policy. The College will not provide advisors for non-Title IX investigations.
- The College’s policy prohibiting retaliation.

Concurrently, the Title IX Coordinator will select a trained internal or external Investigator (“Investigator”) to conduct a reasonable, impartial, and prompt investigation of the complaint (“Investigation”). The Title IX Coordinator will select an Investigator based on several factors, including the parties involved, the complexity of the complaint, the need to avoid any potential conflict of interest, and who may best conduct a fair and equitable investigation for all parties involved. The Title IX Coordinator will notify the parties, in writing, of the name of the designated Investigator at the time the Title IX Coordinator issues the notice of investigation.

Investigation

The Investigator will begin with an Investigation, with an anticipated timeline of sixty (60) business days for completion. The purpose of an Investigation is to identify and gather all relevant facts.

Fact Gathering and Evidence Review

Once the initial fact gathering is complete, the Title IX Coordinator will provide the Interview Summaries and any documentary evidence gathered to the parties for review. Given the sensitive nature of the information provided, the Title IX Coordinator will provide the information in a secure manner (e.g., by providing digital copies of the materials through a protected, “read-only” web portal). Neither the complainant nor the respondent (or their advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student who fails to abide by this Policy may be subject to discipline. Any party or advisor who fails to abide by this Policy may be subject to discipline and/or may be excluded from further participation in the process.

The parties may respond to the Interview Summaries and any documentary evidence; the parties will submit any response within ten (10) business days of being notified of their opportunity to review the documents. Any request for additional investigation will explain the reason for the request. The parties may respond in one or both of the following ways:

- The parties may provide a written response. The Investigator will incorporate any written response provided by the parties in the Investigation Report.
- The parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following: (1) requests for follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the Investigator to pose to witnesses (at the discretion of the Investigator); (2) request(s) for interviews with new witnesses; or (3) request(s) to consider new evidence.

Investigation Report

The Investigator will prepare an Investigation Report summarizing the facts and evidence gathered in the course of the Investigation. The Investigator will not state factual findings or ultimate findings as to whether the respondent has, or has not, violated one or more of the College's policies in the Investigation Report. The Investigator will attach as appendices to the Investigation Report all Interview Summaries and any documentary evidence gathered in the Investigation, including any written responses to the evidence submitted by the parties. When the Investigator determines that the Investigation is complete, the Investigator will submit the Investigation Report to the Title IX Coordinator. The Title IX Coordinator may require the Investigator to conduct additional investigation; if so, the Investigator will conduct additional investigation consistent with the procedures outlined above.

The Title IX Coordinator will provide the completed Investigation Report to the parties.

Pre-Hearing Informal resolution

Before hearing, and if appropriate as determined by the Title IX Coordinator, either party may request or the Title IX Coordinator may suggest mediation through the informal process. The informal process will only proceed if all parties voluntarily agree in writing.

Due Process Hearing

The hearing is an opportunity for the parties to address the Hearing Officer in person, to question the other party and/or witnesses through indirect cross-examination, and for the Hearing Officer to obtain information following the investigation that is necessary to make a determination of whether a Sexual Misconduct Policy violation occurred. The Title IX Coordinator will provide a copy of the Investigation Report to the Hearing Officer. The hearing will be conducted as follows.

Hearing Officer

The hearing will be conducted by a Hearing Officer, who is selected by the College. The Hearing Officer will be an individual other than the Investigator or Title IX Coordinator. The Hearing Officer will be made aware of the College's policies and procedures for the handling of student sexual misconduct cases and other relevant issues.

The Hearing Officer must be impartial and free from bias or conflict of interest. The parties will be informed of the identity of the Hearing Officer and vice versa before the pre-hearing meeting. If the Hearing Officer has concerns that they cannot conduct a fair or unbiased review, the Hearing Officer must report those concerns in advance of the pre-hearing meeting to the Title IX Coordinator and a different Hearing Officer will be assigned. Similarly, the parties will have three (3) business days to object to the Hearing Officer's selection on the basis of bias or conflict of interest. If any party objects, the Title IX Coordinator will evaluate whether the objection is substantiated. The Title IX Coordinator will remove and replace any Hearing Officer the Title IX Coordinator finds to have a bias or conflict of interest against any party.

The Hearing Officer has broad discretion to determine the hearing format. However, in all instances in which a respondent faces severe formal sanctions (i.e., expulsion or suspension), and the credibility of any party or witness is central to the adjudication of the allegation, the Hearing Officer will conduct a live hearing at which they will permit indirect cross-examination of the parties and witnesses. For purposes of this Policy, the term Indirect Cross-Examination means the Hearing Officer will allow the parties, and/or their advisors, and/or their union representatives, to submit proposed questions for the

parties and witnesses, as well as follow-up questions based on testimony provided during the hearing. The Hearing Officer will ask the parties and witnesses the proposed questions that the Hearing Officer determines are consistent with this Policy and are probative of facts relevant to the adjudication of the matter. The Hearing Officer may refuse to allow questions that are unduly harassing or that seek information that is not relevant under this Policy.

The Hearing Officer is responsible for maintaining an orderly, fair, and respectful hearing and has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending person.

Parties may make requests to the Title IX Coordinator related to the format or the nature of their participation in the hearing. The Title IX Coordinator will work with the Hearing Officer to accommodate reasonable requests. Hearings may occur via videoconferencing.

Scheduling

The Title IX Coordinator will schedule a hearing date and time and notify the parties of the same. The Hearing Officer will strive to hold a hearing within twenty (20) business days from receipt of the Investigation Report.

Pre-Hearing Meeting

Prior to the hearing, or, at the latest, on the day of the hearing, the Hearing Officer or their designee will conduct a pre-hearing meeting with the parties prior to commencing the hearing. At this pre-hearing meeting, each party will receive an explanation of the hearing process and have the opportunity to ask any questions. If the complainant and/or respondent have elected to have their advisors and/or union representatives throughout the hearing process, said advisor(s) is/are encouraged to accompany the complainant/respondent to this meeting.

Witnesses

The complainant, respondent, and the Hearing Officer all have the right to call witnesses. Witnesses must have observed the conduct in question or have information relevant to the incident and cannot be called solely to speak about an individual's character. In general, no party will be permitted to call as a witness anyone who was not interviewed by the Investigator as part of the College's investigation.

If any party wishes to call witnesses, whether or not they were previously interviewed as part of the College's Investigation, the following must be submitted no later than five (5) business days before the hearing to the Hearing Officer and Title IX Coordinator via e-mail:

- The name of any witness(es)
- A written statement and/or description of what each witness observed, if not already provided during Investigation;
- A summary of why the witness' presence is relevant to making a decision about responsibility at the hearing; and
- The reason the witness was not interviewed by the Investigator, if applicable.

The Hearing Officer will determine if the proffered witness(es) has relevant information and if there is sufficient justification for permitting a witness who was not interviewed by the Investigator. The Hearing Officer may also require the Investigator to interview the newly proffered witness.

Once the proffered witnesses are approved by the Hearing Officer, the respondent and complainant will be provided with a list of witnesses and any relevant documents related to the witnesses' appearance at the hearing no later than three (3) business days before the hearing.

Case Presentation

The hearing is intended to provide a fair and ample opportunity for each side to present their account of the incident and for the Hearing Officer to determine the facts of the case and make a determination as to whether College policy was violated. The hearing is not intended to be a repeat of the Investigation. The Hearing Officer will be well-versed in the facts of the case based upon the Investigation Report and the parties' responses to the Investigation Report, if any. The Hearing Officer will bring a hardcopy of the Investigation Report, the parties' responses to the Investigation Report, Interview Summaries, and any documentary evidence provided to the Investigator.

The complainant and the respondent, their advisors, and the Hearing Officer will attend the hearing. Advisors may only be present during the hearing if the party they are advising is also present. Others may only attend with the prior approval of the Hearing Officer, but the parties will be notified in advance of anyone who will be in attendance. Any individual appearing as a witness will be present only while providing a statement and responding to questions.

The Hearing Officer has absolute discretion to decide upon a format for the hearing and to determine which witnesses are relevant to the outcome determination. A Hearing Officer may decline to hear from a witness where they conclude that the information is not necessary for their outcome determination. A typical hearing may include brief opening remarks by the Hearing Officer; questions posed by the Hearing Officer to one or both of the parties; questions by the Hearing Officer to any witness; and indirect cross-examination by either party to any party or witnesses. The Hearing Officer also will afford any party an opportunity at the end of the hearing to offer closing remarks. A decision whether to offer closing remarks is completely voluntary; however, closing remarks may only be made by the parties, and not their advisors. The Hearing Officer will have discretion to impose time limits on closing remarks.

Expectations of the complainant, respondent, and Witnesses at a Hearing

Students and employees have the responsibility to participate fully and truthfully in any proceeding under this Policy. If any party chooses not to appear at the hearing, they will not be permitted to cross-examine the witnesses or any party during the hearing, nor will they be permitted to offer witnesses, documents, or a closing statement. If any party chooses not to appear at the hearing, the College may move forward with the hearing and imposition of findings and sanctions, if any, in absentia. In reaching findings in absentia, the Hearing Officer may rely on: (1) any information in the Final Investigation Report; (2) any documentary evidence disclosed to the Investigator; (3) any statements made during the hearing; and (4) any documentary evidence presented at the hearing.

Record of Hearing

The hearing and any pre-hearing meetings or conferences are closed to the public. The complainant and the respondent are each allowed to have one advisor of their choice present throughout the hearing process. The College will keep an official transcript or recording of the hearing; any other recording is

prohibited. No recording devices will be permitted in the hearing room, except as arranged by the College. Cell phones must be silenced.

Standard of Evidence

The Hearing Officer will determine a respondent's responsibility by a preponderance of the evidence. This means that the Hearing Officer will decide whether it is "more likely than not," based upon all the evidence, that the respondent is responsible for the alleged violation(s).

Notice of Hearing Outcome

Following the hearing, the Hearing Officer will consider all of the evidence and make a determination, by a preponderance of the evidence, whether the respondent has violated this Policy. In making this determination, the Hearing Officer will independently review and assess all evidence collected and presented at the hearing. Where appropriate, the Hearing Officer may also assess credibility. The Hearing Officer will issue a written notice of hearing outcome (the "Final Report"), which will contain the Hearing Officer's factual findings, determination of whether a Policy violation occurred, and a summary of the Hearing Officer's rationale in support of the hearing outcome. The Hearing Officer's written determination regarding responsibility and any sanctions will be provided to the parties within fifteen (15) business days of the hearing.

Sanctions and Remedies

Upon conclusion of the adjudication process, when there is a finding of responsibility, the complainant will be offered such remedies designed to restore or preserve equal access to the institution's education program or activity. If the Hearing Officer determines that the respondent is responsible for one or more violations of this Policy, the College will issue sanctions commensurate with the violation(s), in accordance with this Policy, Section VIII. Sanctions.

Appendix B: Formal Resolution Process for Non-Title IX Misconduct by an Employee

Appendix B outlines the formal resolution procedures the College follows in resolving a grievance that a person has been subjected to [Non-Title IX Misconduct](#) by an employee in violation of the College's Sexual Misconduct and Harassment Not Covered by Title IX Policy. Employees may have an advisor or union representation of their choice throughout the informal or formal resolution process.

A. Notice of Investigation

The Title IX Coordinator's written notification to the respondent will state facts sufficient to apprise the respondent of the nature of the allegations, including specifically:

- The complainant's name;
- Nature of the complaint;
- Specific policy violations alleged (e.g., sexual assault, racial harassment, retaliation);
- Dates of alleged policy violations;
- Locations of alleged policy violations;
- Brief description of the incident/ alleged misconduct;
- An overview of the procedural options and process, including informal resolution and formal resolution;
- The option of an advisor of their choice, which may be a union representative;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the formal resolution process;
- A statement that the parties have the right to review and inspect all evidence being considered by the Investigator or Hearing Officer during the formal resolution process, consistent with this Policy;
- A description of the College's policy prohibiting retaliation; and
- A statement regarding the College's policy related to false reports and making knowingly false statements during the formal resolution process.

In the notice to the respondent, the Title IX Coordinator will request a meeting within three (3) days of transmittal of the notice. If the respondent does not respond to the meeting request, the investigation may proceed without the respondent's participation.

B. Investigation

The Title IX Coordinator will select a trained internal or external Investigator or a two-person investigative team, (which may include a combination of one internal and one external Investigator) (the "Investigator") to conduct a reasonable, impartial, and prompt investigation of the complaint ("Investigation"). The Title IX Coordinator will notify the parties, in writing, of the name of the Investigator(s).

Reasonable effort will be made to complete the investigation within sixty (60) business days of the date the formal complaint is made or as soon thereafter as practical under the circumstances. The Title IX Coordinator will provide the complainant and the respondent with notice of any delays and give them a new timetable for completion of the investigation.

The investigation will include an interview(s) with the complainant, the respondent and/or any other person who may have information regarding the incident, each of whom is encouraged to cooperate with any investigation. The Investigator may also gather any relevant documents. The Investigator will also conduct follow-up interviews, as necessary. The Investigator will take steps to ascertain the accuracy of the notes taken in each interview, whether by reading the notes back to the person interviewed at the conclusion of the interview, or by providing a copy of the notes and requesting corrections.

The Title IX Coordinator will provide the Interview Summaries and any documentary evidence gathered to the parties for review. Given the sensitive nature of the information provided, the Title IX Coordinator will provide the information in a secure manner (e.g., by providing digital copies of the materials through a protected, "read-only" web portal). Neither the complainant nor the respondent (or their advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any party who fails to abide by this Policy may be subject to discipline. Any advisor who fails to abide by this Policy may be subject to discipline and/or may be excluded from further participation in the process. The parties may respond to the Interview Summaries and any documentary evidence; the parties will submit any response within ten (10) business days of being notified of their opportunity to review the documents. The parties may respond in one or both of the following ways:

- The parties may provide a written response. The Investigator will incorporate any written response provided by the parties in the Final Investigation Report.
- The parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following: (1) request(s) for follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the Investigator to pose to witnesses; (2) request(s) for interviews with new witnesses; or (3) request(s) to consider new evidence. Any request for additional investigation will explain the reason for the request.

The Investigator will review the evidence submitted by the parties and conduct any additional fact-gathering as may be necessary.

In the event the Respondent fails to participate in the Investigation, the College may move forward with the investigation and enforcement of this Policy.

The Investigator will prepare a final report for the Title IX Coordinator. The report will state (1) the ultimate finding(s) (e.g., whether the respondent did, or did not, violate College Policy); (2) the specific factual findings in support of the Investigator's ultimate finding(s); and (3) the specific evidence upon which the Investigator relied in making each factual finding. The standard for determining whether the policy has been violated is the preponderance of the evidence standard, i.e., whether it is more likely than not that a violation of College policy occurred. Where applicable, the report will have attached as appendices the testimonial and documentary evidence from the Investigation. Once the Investigator is satisfied that the report is complete, the Investigator will submit the report to the Title IX Coordinator.

The Title IX Coordinator will review the report and assess whether the report demonstrates, by a preponderance of the evidence, that:

- (1) the evidence supports the Investigator’s factual findings; and
- (2) the Investigator’s factual findings support the Investigator’s ultimate finding of responsibility or non-responsibility.

Once the report is finalized, the Title IX Coordinator will issue a resolution letter to the complainant and respondent. The resolution letter will briefly describe how the investigation was conducted, as well as the ultimate finding(s) (i.e., whether the respondent did, or did not, violate College policy) and the specific factual findings in support of the Investigator’s ultimate finding(s).

C. Sanctions and Remedies

Where the Investigator concludes that a violation of this Policy has occurred, the appropriate College officers will take prompt and appropriate remedial action, including Formal action, as described in this Policy, Section IX. Sanctions.

Where there has been a determination of responsibility, the complainant will be offered such remedies designed to restore or assure equal access to the College’s program or activity.

D. Appeals

The right to appeal is limited and applies only in cases where suspension without pay or termination of employment are appropriate Formal actions for the alleged conduct.

Appeals may be filed by either party and must be sent to the Title IX Coordinator within five (5) business days of receipt of the written determination or dismissal. When an appeal is filed, the other party will be notified, in writing, and will then have five (5) business days to respond to the appeal. Any party’s decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal. The appeals process is documentary only, and no hearing is held. Appeals will follow the procedures outlined in this Policy, Section IX. Appeals.

Change Log

07-19-2021 Effective date