

# Civil Rights

## Policies & Procedures



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Central Community College affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. All policies below are subject to resolution using the Central Community College's Equity Grievance Procedure. The Equity Grievance Procedure is applicable regardless of the status of the parties involved, who may be members or non-members of the campus community, students, student organizations, faculty, administrators and/or staff. The College reserves the right to act on incidents occurring on-campus or off-campus, when the off-campus conduct could have an on-campus impact or impact on the educational mission of the College.

## NONDISCRIMINATION

Policy (Board adopted 11/20/14)

Central Community College adheres to all federal and state civil rights laws banning discrimination in public institutions of higher education. Central Community College will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, religion, hearing status, personal appearance, color, sex, pregnancy, political affiliation, source of income, place of business, residence, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, family responsibilities, sexual orientation, gender, gender identity, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any grievance process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the College policy on nondiscrimination. When brought to the attention of the College, any such discrimination will be appropriately remedied by the College according to established procedures.

Procedure (Cabinet adopted 11/6/14, amended 2/8/16)

The Vice President of Human Resources serves as the Title IX/Equity/AA/ADA/504 Coordinator (Coordinator) and oversees implementation of the College's Affirmative Action and Equal Opportunity plan, disability compliance and the College's policy on equal opportunity, harassment and nondiscrimination.

All reports of discrimination, harassment and/or retaliation should be made to the Coordinator, Co-Coordinators or deputy/deputies promptly, but there is no time limitation on the filing of complaints, as long as the accused individual remains subject to the College's jurisdiction. All reports are acted upon promptly while every effort is made by the College to preserve the privacy of reports. Anonymous reports may also be filed online, using the reporting form posted at: <http://www.cccneb.edu/report>. Reports of discrimination by the Title IX/Equity/AA/ADA/504 Coordinator should be reported to the College President.

This procedure applies to behaviors that take place on the campus, at college-sponsored events and may also apply off-campus and to actions online when the Coordinator determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- A. Any action that constitutes criminal offense as defined by federal or Nebraska state law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the communities where the College is located;
- B. Any situation where it appears that the accused individual may present a danger or threat to the health or safety of self or others;
- C. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- D. Any situation that is detrimental to the educational interests of the College.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the College's control (e.g. not on College networks, websites or between College email accounts) will only be subject to this policy when those online behaviors can be shown to cause a substantial on-campus disruption. Otherwise, such communications are considered speech protected by the 1st Amendment.

Off-campus discriminatory or harassing speech by employees may be regulated by the College only when such speech is made in an employee's official or work-related capacity.

Inquiries about this policy and procedure may be made internally to:

Christopher Waddle, JD

Title IX/Equity/AA/ADA/504 Coordinator

Division of Human Resources

3134 W Highway 34, Grand Island NE 68802-4903

(308) 398-7327

[titleixcoordinator@cccneb.edu](mailto:titleixcoordinator@cccneb.edu)

Inquiries may be made externally to:

Office for Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: [ocr@ed.gov](mailto:ocr@ed.gov)

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

Regional EEOC Office Contact Information:

Kansas City Area office of EEOC

Gateway Tower II

400 State Ave., Suite 905

Kansas City, KS 66101

Customer Service Hotline#: (800) 669-4400

Facsimile: (913) 551-6957

TDD#: (800) 669-6820

## ACCOMMODATION OF DISABILITIES

Policy (Board adopted 11/20/14)

Central Community College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself.

Procedure (Cabinet adopted 11/6/14)

The Vice President of Human Resources has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any grievance alleging noncompliance.

### **A. Students with Disabilities**

Central Community College is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the College.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Disability Services Office who coordinates services for students with disabilities. The office reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student's particular needs and academic programs.

## **B. Employees with Disabilities**

Pursuant to the ADA, Central Community College will provide reasonable accommodation(s) to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

An employee with a disability is responsible for requesting an accommodation in writing to the Vice President of Human Resources and provide appropriate documentation. The Vice President of Human Resources will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.



## DISCRIMINATORY HARASSMENT

Policy (Board adopted 11/20/14)

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. Central Community College's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The Discriminatory Harassment procedures describe the specific forms of legally prohibited harassment that are also prohibited under College policy.

Procedure (Cabinet adopted 11/6/14)

Harassment constitutes a form of discrimination that is prohibited by law. Central Community College will remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, the College may also impose sanctions on the harasser. Central Community College's harassment procedure explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.

A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent/pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

Offensive conduct and/or harassment that does not rise to the level of discrimination or that is of a generic nature not on the basis of a protected status may not result in the imposition of discipline under College policy, but will be addressed through civil confrontation, remedial actions, education and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, employees should contact the Vice President of Human Resources and students should contact an Associate Dean of Students or the College Dean of Student and Enrollment Services.

Central Community College condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by College policy or law.

## CONSENSUAL RELATIONSHIPS

Policy (Board adopted 11/20/14)

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this policy. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift a party out of being supervised or evaluated by someone with whom they have established a consensual relationship. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

## NOTICE OF NONDISCRIMINATION / DIVERSITY & INCLUSION STANDARDS

Procedure (Cabinet adopted 2/8/16)

### **A. Affirmative Action/Equal Opportunity Statements**

The notice of nondiscrimination must be included in all advertising, and informational printing of the college. The following guidelines should be used to determine which statement is appropriate for the publication or advertisement. All of these statements should be a minimum of 6 pt. Arial Narrow Italic font or a similar sans serif font.

1. Publications printed on 8 ½ x 11 or larger sheet of paper (Only exception is event posters)

Central Community College (CCC) does not discriminate on the basis of race, color, ethnicity, religion, sex, age, marital status, national origin, veteran status, sexual orientation, disability, or other factors prohibited by law, in matters of employment, admissions, financial aid, or other activities and opportunities as set forth in compliance with federal and state statutes and regulations.

Any person having inquiries concerning Central Community College compliance with Title II, Title IV, Title VI, Title IX, the Age Discrimination Act, and/or Section 504 should contact: Vice President of Human Resources, 3134 W Highway 34, PO Box 4903, Grand Island NE 68802-4903, 308-398-7325, [titleixcoordinator@cccneb.edu](mailto:titleixcoordinator@cccneb.edu).

Persons seeking further information concerning career and technical education offerings at Central Community College and any specific pre-requisite criteria for the various programs of study should contact: Marketing and Public Relations Director, 3134 W Highway 34, PO Box 4903, Grand Island NE 68802-4903, 308-398-4222, [prdirector@cccneb.edu](mailto:prdirector@cccneb.edu).

To obtain this information in a language other than English or in an alternative format email [prdirector@cccneb.edu](mailto:prdirector@cccneb.edu) or call 308-398-7355.

2. Publications printed on 8 ½ x 11 paper (printed on single sheet) or with pages smaller than 8 ½ X 11

#### Affirmative Action/Equal Opportunity Institution

Please note: this exception is made to accommodate publications like the College Facts Flyer, when including the full statement would use an unacceptable percentage of the space available. Publications that seek to circumvent the requirement to include the full Affirmative Action/Equal Opportunity Statement through minor adjustments to page sizes will not be considered to be in compliance

3. Digital advertising

AA/EOI

### **B. Diversity and Inclusion Standards**

Central Community College will develop promotional materials that do not create or perpetuate stereotypes and/or limitations based upon race, color, national origin, gender and/or handicap status. To the extent possible they should portray males or females, minorities or persons with handicaps in programs and occupations in which these groups traditionally have not been represented.

- The college should attempt to include photos that represent gender diversity within all programs. This includes representing female students in STS programs and male students in nursing programs as an example.
- The college should attempt to include photos that represent racial diversity within all programs.
- The college should attempt to include photos that represent age diversity (“non-traditional students”) within all programs.
- The college should attempt to include photos that represent students with disabilities.

### **C. Compliance**

All advertising and informational printing must first be reviewed and approved by the Public Relations and Marketing Office before publication. Failure to follow the standards set forth in this section is a violation of College procedure and may be subject to disciplinary action.

## SEXUAL MISCONDUCT

Policy (Board adopted 11/20/14)

Nebraska state law defines various violent and/or non-consensual sexual acts as crimes. Additionally, Central Community College has defined categories of sexual misconduct for which action under this policy may be imposed. Generally speaking, Central Community College considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, Central Community College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other gender-based offenses, including intimate partner or relationship (dating and/or domestic) violence, non-consensual sexual contact and stalking based on the facts and circumstances of the particular grievance.

Procedure (Cabinet adopted 11/6/14, Cabinet amended 2/8/16)

Acts of sexual misconduct are defined as an action committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Use of alcohol or other drugs will never function to excuse any behavior. Violations include:

### **A. Sexual Harassment**

Both the Equal Employment Opportunity Commission and the State of Nebraska regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. Central Community College has adopted the following definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well.

Sexual harassment is unwelcome, sexual and/or gender-based verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any College program is encouraged to report it immediately to the College's Title IX Coordinator, Co-Coordinators, or Deputy Coordinators. Remedies, education and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
  - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the college's educational and/or employment, social and/or residential program.

Quid pro quo harassment is:

- unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development, or performance. This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational or employment program.



## **B. Non-Consensual Sexual Intercourse**

Defined as:

1. any sexual penetration or intercourse (anal, oral or vaginal)
2. however slight
3. with any object
4. by a person upon another person
5. that is without consent and/or by force

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

## **C. Non-Consensual Sexual Contact**

Defined as:

1. any intentional sexual touching
2. however slight
3. with any object
4. by a person upon another person
5. that is without consent and/or by force

Sexual contact includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts, or any other intentional bodily contact in a sexual manner.

## **D. Sexual Exploitation**

Sexual exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual digital, video or audio recording of nudity or sexual activity;
- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- Engaging in voyeurism;
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
- Intentionally or recklessly exposing one's genital in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

## **E. Consent**

Consent is:

- clear, and knowing, and voluntary,

- words or actions that give permission for specific sexual activity.
- Consent is active, not passive.
- 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 willingness to engage in (and the conditions of) sexual activity.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationship or prior consent cannot imply consent to future sexual acts.
- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
- In order to give consent, one must be of legal age.
- Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
  - Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.
  - The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.
  - Incapacitation is a state where someone cannot make rational, reasonable decision because they lack the capacity to give knowing consent (e.g. to understand the “who, what, when, where, why or how” of their sexual interaction).
  - This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of rape drugs.

## **F. Force**

Force is direct or indirect use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent.

- Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, 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.
- NOTE: There is no requirement for a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

## OTHER CIVIL RIGHTS OFFENSES

Procedure (Cabinet adopted 11/6/14, Cabinet amended 2/8/16)

- A. Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class.
- B. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of their actual or perceived membership in a protected class.
- C. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class.
- D. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity on the basis of actual or perceived membership in a protected class; hazing is also illegal under Nebraska law and prohibited by the College.
- E. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class.
- F. Violence between those in an intimate relationship to each other on the basis of actual or perceived membership in a protected class (this includes romantic relationships, dating, domestic and/or relationship violence).
- G. Stalking 1: defined as a course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome and would cause a reasonable person to feel fear.  
Stalking 2: defined as repetitive and menacing pursuit, following, harassing and/or interfering with the peace and/or safety of another.

- H. Any other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the victim on the basis of sex or gender or in a protected class, may be pursued using this procedure.

Sanctions range from reprimand up through and including expulsion (students) or termination of employment.

## RETALIATION, CONFIDENTIALITY, & REPORTING

Procedure (Cabinet adopted 11/6/14, Cabinet amended 2/8/16)

### **A. Retaliation**

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing a grievance or for assisting in providing information relevant to a claim of harassment is a serious violation of College policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX/Equity/AA/ADA/504 Coordinator and it will be promptly investigated. Central Community College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

### **B. Confidentiality and Reporting of Offenses**

All college employees (faculty, staff, and administrators) are expected to immediately report actual or suspected discrimination or harassment to appropriate officials, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate College officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a reporting party has requested information to be shared. Other resources exist for a reporting party to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the two reporting options at the College:

## 1. Confidential Reporting

No college employee can guarantee confidentiality. If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with off-campus local rape crisis counselors, domestic violence resources, local or state assistance agencies, members of the clergy/chaplains who will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. The Employee/Student Assistance Program is available to help free of charge and can be seen on an emergency basis during normal business hours.

## 2. Formal Reporting Options

All college employees have a duty to report incidents of sexual misconduct as defined in the Sexual Misconduct policy and procedure, unless they fall under the “Confidential Reporting” section above. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator and/or Deputy Coordinators. Employees must share all details of the reports they receive. Generally, climate surveys, classroom writing assignments, human subjects research, or prevention and awareness programs do not provide notice that must be reported to the Coordinator by employees. Remedial actions may result without formal college action.

If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator or Deputy Coordinators, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the College will likely be unable to honor a request for confidentiality. In cases where the reporting party requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action.



A reporting party has the right, and can expect, to have reports taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: Dean of Student and Enrollment Services, Vice President of Human Resources, Compliance & Equity Manager, Campus President/Center Director, Campus Security, and the CARE Team. Information will be shared as necessary with investigators, witnesses and the respondent. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy. Additionally, anonymous reports can be made by reporting parties and/or third parties using the online reporting form posted at <http://www.cccneb.edu/report>. Note that these anonymous reports may prompt a need for the institution to investigate.

Reports to the Title IX Coordinator can be made via email, phone or in person at the contact information below:

Christopher Waddle, JD  
3134 West Highway 34  
Grand Island, NE 68802  
308-398-7327  
[titleixcoordinator@cccneb.edu](mailto:titleixcoordinator@cccneb.edu)

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex or gender harassment or discrimination of which they become aware, is a violation of college policy and can be subject to disciplinary action for failure to comply with college policies.

### 3. Federal Timely Warning Obligations

Parties reporting sexual misconduct should be aware that under the Clery Act, College administrators must issue timely warnings for incidents reported to them that are confirmed to pose a substantial 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, while still providing enough information for community members to make safety decisions in light of the potential danger.

4. Certain campus officials – those deemed Campus Security Authorities - have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to the Dean of Student and Enrollment Services regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

### 5. Additional Provisions

#### a. Attempted violations

In most circumstances, the College will treat attempts to commit any of the violations listed in the Civil Rights Policy & Procedures as if those attempts had been completed.

b. False Reports

The College will not tolerate intentional false reporting of incidents. Deliberately false and/or malicious accusations of harassment are just as serious an offense as harassment and will be subject to appropriate disciplinary action.

c. Amnesty for Reporting Party and Witnesses

The College community encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties, witnesses or those who offer assistance are hesitant to report to College officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that reporting parties choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, the College pursues a policy of offering reporting parties, witnesses, and those who offer assistance amnesty from minor policy violations related to the incident.

d. Parental Notification

The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk. The College also reserves the right to designate which College officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act.

## EQUITY GRIEVANCE FOR RESOLVING GRIEVANCES OF HARASSMENT, SEXUAL MISCONDUCT, AND OTHER FORMS OF DISCRIMINATION

Procedure (Cabinet adopted 11/6/14, Cabinet amended 2/8/16)

Central Community College will act on any formal or informal grievance or notice of violation of the Civil Rights policies and procedures that is received by the Title IX/Equity/AA/ADA/504 Coordinator, Co-Coordinators, Deputy Coordinators, or a member of the administration.

The procedures described below will apply to all grievances involving students, staff or faculty members. Redress and requests for responsive actions for grievances brought involving non-members of the community are also covered by these procedures.

**Complainant:** In this procedure, the person alleging a violation of policy is referred to as the complainant.

**Respondent:** In this procedure, the person who is alleged to have violated college policy is referred to as the respondent.

### **A. Overview of Reports Concerning Discrimination and/or Harassment**

The college does not permit discrimination or harassment in its programs and activities on the basis of race, color, national origin, sex, gender identity, gender expression, sexual orientation, disability, veteran status, predisposing genetic characteristic, age, religion, pregnancy status or any other characteristic protected by college policy or state, local, or federal law. Anyone who believes they have been subjected to discrimination or harassment in violation of this policy should follow the procedure outlined in this Equity Grievance Resolution Procedures to report these concerns.

This process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the Civil Rights policies and procedures have been violated. If so, the college will initiate an investigation that is thorough, reliable, impartial, prompt and fair. This investigation determines whether the college's Civil Rights policies and procedures have been violated.

If so, the college will promptly implement an effective remedy designed to end the discrimination, prevent its recurrence and address its effects.

The college aims to bring all allegations to a resolution within a sixty (60) calendar day time period, which can be extended as necessary for appropriate cause by the Title IX/Equity/AA/ADA/504 Coordinator with notice to the parties. In overview, the timeline for resolution begins with notice to a mandated reporter. The Coordinator (or designee) then engages in a preliminary inquiry. From there, the allegation can lead to a formal investigation, which usually starts within days of the preliminary inquiry's conclusion. Investigations range from days to weeks, depending on the nature and complexity of allegations. The parties are regularly apprised of the status of the investigation as it unfolds. The process may then end or continue. If it continues, barring necessary extensions, the investigation leads to formal and informal resolution options. A failed informal resolution which triggers a formal resolution may require the college to extend this timeline accordingly. From there, appeals may be requested.

## **B. Interim Remedies/Actions**

The Title IX/Equity/AA/ADA/504 Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further violations. The college will keep interim remedies and actions as private as possible.

These remedies may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Student Assistance Program
- Referral to the Employee Assistance Program
- Education to the community
- Altering the housing situation of the complainant and/or respondent (resident student or resident employee)

- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.
- Withdrawal from classes without financial penalty

The college may interimsly suspend a student, employee or organization pending the completion of a civil rights investigation and resolution, particularly when, in the judgment of the Title IX/Equity/AA/ADA/504 Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the respondent or the ongoing activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student or student organization will have the opportunity to meet with the Title IX/Equity/AA/ADA 504 Coordinator to show cause why the suspension should not be implemented. The Title IX/Equity/AA/ADA/504 Coordinator has sole discretion to implement or stay an interim suspension under the Civil Rights policy and procedure, and to determine its conditions and duration. Violation of an interim suspension under this policy is grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to campus housing and/or the college campus/facilities/events. As determined by the Title IX/Equity/AA/ADA/504 Coordinator, this restriction can include classes and/or all other college activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX/Equity/AA/ADA/504 Coordinator, alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent.

The institution will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures.

### **C. Participation of Advisors in the Resolution Process**

All parties are entitled to an advisor of their choosing to guide and accompany them throughout the campus resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is both eligible and available. People who will be called as witnesses may not serve as advisors. The college maintains a pool of trained (non-attorney) advisors who are available to the parties. The parties may choose advisors from outside the pool, but those advisors may not have the same level of insight and training on the campus process as do those trained by the college. Advisors from outside the pool are not eligible to be trained by the college.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, and appeals. Advisors should help their advisees 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 one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting, interview or appeal and should request or wait for a break in the proceeding if they wish to interact with campus officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given a timely opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the college an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the college investigation and resolution. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting.

When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX/Equity/AA/ADA/504 Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the resolution process.

Advisors are expected to maintain the privacy of the information shared with them by the college. This information may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the college. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting. The college may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the college's privacy expectations.

The college expects an advisor to adjust their schedule to allow them to attend college meetings when scheduled. The college does not typically change scheduled meetings to accommodate an advisor's inability to attend. The college will, however make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process.

Where an employee is a member of a union and entitled to a union representative in the process, that employee may be accompanied by the union representative as their advisor.

The parties must advise the investigators of the identity of their advisor at least one (1) business day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties must provide subsequent timely notice to the investigators if they change advisors at any time.



#### **D. Formal Resolution Process for Reports of Misconduct by Students and Employees**

This procedure applies to any member of the college community (faculty, student, staff, administration) who engages in discrimination or harassment. Any person can report alleged harassment or discrimination, including faculty, students, staff, administration, guests, visitors, etc. All allegations of misconduct not involving harassment or discrimination will be addressed through the procedures elaborated in the respective student, faculty and employee handbooks.

The Title IX/Equity/AA/ADA/504 Coordinator (or designee) is designated to formally investigate reports of discrimination and/or harassment by students and employees, to address inquiries and to coordinate the college's compliance efforts regarding reports of misconduct by students and employees, regardless of the college role of the complainant, who may be another student, faculty, staff, guest or visitor.

Notice of a formal report can be made in person, by phone, online, via email or in writing to the Title IX/Equity/AA/ADA/504 Coordinator. Upon receipt of a report, the Title IX/Equity/AA/ADA/504 Coordinator will confer with relevant college officials on interim action, accommodations for the complainant (at no cost to the complainant where possible), or other necessary remedial short-term actions.

If the complainant wishes to pursue a formal resolution or if the college, based on the alleged policy violation, wishes to pursue a formal resolution, then the Title IX/Equity/AA/ADA/504 Coordinator appoints trained investigators (typically using a team of two investigators) to conduct the investigation. Investigations are completed expeditiously. Investigations may take longer depending on their nature or complexity.

The college's resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the college may undertake a short delay (several days to weeks) in its investigation or resolution process, to comply with a law enforcement request for cooperation (e.g.: to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated.

The college will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.

All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

At any point during the investigation, if it is determined there is no reasonable cause to believe that college policy has been violated, the Title IX/Equity/AA/ADA/504 Coordinator has authority to terminate the investigation and end resolution proceedings.

If a violation of policy is found and the respondent is a student, the Vice President of Student and Enrollment Services will impose appropriate sanctions for the violation, after consultation with the Title IX/Equity/AA/ADA/504 Coordinator. The college will act to end the discrimination, prevent its recurrence, and remedy its effects on the complainant and the college community.

If a violation of policy is found and the respondent is an employee, the College President will impose appropriate sanctions for the violation, after consultation with the Title IX/Equity/AA/ADA/504 Coordinator. The college will act to end the discrimination, prevent its recurrence, and remedy its effects on the complainant and the college community.

The parties will receive written notification of the outcome, to the extent permitted or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking and/or intimate partner violence, the written notification includes the finding, any resulting sanctions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications, explains appeals options and procedures, and any changes to the results that could occur before the decision is finalized.

No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with campus officials.

## E. Sanctions

The following sanctions may be imposed upon any member of the community found to have violated the Civil Rights Policy & Procedures.

Factors considered in sanctioning are:

- The nature, severity of, and circumstances surrounding the violation.
- An individual's disciplinary history.
- Previous grievances or allegations involving similar conduct.
- Any other information deemed relevant by the sanctioning officer.
- 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.
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the complainant and the community.

### Student Sanctions (Examples)

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- a. **Warning:** A formal statement that the behavior was unacceptable and a warning that further infractions of any College policy, procedure or directive will result in more severe sanctions/responsive actions.
- b. **Probation:** A written reprimand for violation of the Code of Student Conduct, 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, non-contact orders and/or other measures deemed appropriate.

- c. **Suspension:** Termination of student status for a definite period of time not to exceed two 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.
- d. **Expulsion:** Permanent termination of student status, revocation of rights to be on campus for any reason or attend College-sponsored events. This sanction will be noted as a Non-Academic Conduct Expulsion on the student's official transcript.
- e. **Withholding Diploma:** The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a grievance pending, or as a sanction if the student is found responsible for an alleged violation.
- f. **Revocation of Degree:** The College reserves the right to revoke a degree awarded from the College for fraud, misrepresentation or other violation of College policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- g. **Organizational Sanctions:** Deactivation, de-recognition, loss of all privileges (including College registration), for a specified period of time.
- h. **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

#### Employee Sanctions (Examples)

Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation include warning, required counseling, required training or education, demotion, loss of annual pay increase, suspension with pay, suspension without pay and termination.

## **E. Equity Appeals Panel**

The Title IX/Equity/AA/ADA/504 Coordinator shall appoint three trained Civil Rights Investigators and/or Title IX Deputy Coordinators to serve on an Equity Appeals Panel as needed.

## **F. Students Requesting an Appeal**

All original sanctions imposed by the Vice President of Student and Enrollment Services will be in effect during the appeal. A request may be made to the Vice President of Student and Enrollment Services to delay implementation of the sanctions until the appeal is decided, but the presumptive stance of the institution is that the sanctions will go into effect immediately. Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the college or resumption of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

The decision of the Vice President of Student and Enrollment Services may be appealed by petitioning the Equity Appeals Panel. Any party who files an appeal request must do so in writing to the Title IX/Equity/AA/ADA/504, within 3 business days of receiving the written decision of the formal resolution process, for a review of the decision or the sanctions imposed.

The Equity Appeals Panel will share the appeal request with the other party (e.g., if the respondent files an appeal, the appeal is shared with the complainant, who may also wish to file a response and/or bring their own appeal on separate grounds; this response or appeal will be shared with the initial appealing party). Based on the written requests/responses or on interviews as necessary, the Equity Appeals Panel will send a letter of outcome for the appeal to all parties. The Equity Appeals Panel can take one of three possible actions. The appeal 1) may dismiss an appeal request as untimely or ineligible, 2) may grant an appeal and remand the finding and/or sanction for further investigation or reconsideration, or 3) may modify a sanction.

The original finding and sanction will stand if the appeal request is not timely or substantively eligible, and that decision is final. The party requesting appeal must show clear error as the original finding and/or a compelling justification to modify a sanction, as both finding and sanction are presumed to have been decided reasonably and appropriately during the original resolution process.

Grounds for appeal are limited as follows:

1. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
2. To consider new evidence, unavailable during the original investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
3. The sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the respondent.

In rare cases where a procedural error cannot be cured by the original investigators (as in cases of bias), the appeals panel may order a new investigation with new investigators. The results of the new investigation cannot be appealed.

The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original sanctioning officer for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the allegation (de novo). In most cases, appeals are confined to a review of the written documentation and/or investigative report, and pertinent evidence regarding the grounds for appeal;
- Appeals decisions are to be deferential to the original investigation, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so;

- An appeal is not an opportunity for appeals officers to substitute their judgment for that of the original investigation merely because they disagree with its finding and/or sanctions.
- Sanctions imposed are implemented immediately unless the Vice President of Student and Enrollment Services stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The appeals panel will typically render a written decision on the appeal to all parties within five (5) business days from hearing of the appeal. The appeals panel's decision to deny an appeal request is final.

## **G. Special Resolution Process Provisions**

### **a. College-initiated proceedings**

As necessary, Central Community College reserves the right to initiate a report and to initiate resolution proceedings without a formal report or participation by the complainant.

### **b. Notification of Outcomes**

The outcome of a civil rights investigation is part of the education record of the respondent, and is protected from release under a federal law, FERPA. However, the college observes the legal exceptions as follows:

- Parties to non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and intimate partner violence incidents have an absolute right to be informed of the outcome, essential findings/rationale, and any sanctions that may result, in writing, without condition or limitation, and without substantial delay between notifications to each party.

The college may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a college policy that is a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property, intimate partner violence, stalking and

kidnapping/abduction. In doing so, the college will not release any information that could lead to the identification of the complainant.

c. Past Sexual History/Character

The past sexual history or sexual character of a party will not be admissible by the other party in the investigation unless such information is determined to be highly relevant by the Title IX/Equity/AA/ADA/504 Coordinator, pertaining only to past or subsequent interactions between the parties that offer context. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be reviewed by the Title IX/Equity/AA/ADA/504 Coordinator. While previous conduct violations by the respondent are not generally admissible as information about the present allegation, the Title IX/Equity/AA/ADA/504 Coordinator may supply previous reports of good faith allegations and/or findings to the investigators, and Equity Appeals Panel to consider as evidence of pattern and/or predatory conduct.

d. Witness participation in an investigation

Witnesses are expected to cooperate with and participate in the college's investigation. Any witness who declines to participate in or cooperate with an investigation will not be permitted to offer evidence or testimony later in an appeal. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone or video conference if they cannot be interviewed in person.

Complainants or respondents who elect not to participate in the investigation will have the opportunity to offer evidence during the investigation and/or appeal stages of the process, though failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.



e. Training for those implementing these procedures

Personnel tasked with implementing these procedures, (e.g.: Title IX/Equity/AA/ADA/504 Coordinator, investigators, sanctioning officers, appellate officers, etc.) will be trained at least annually. This training will include, but is not limited to: how to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to sexual harassment and discrimination allegations; the college's Civil Rights policy and procedures; trauma-informed practices; confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance.

f. Conflicts of Interest and Bias

The college is committed to ensuring that its resolution processes (e.g.: investigation, appeal, etc.) are free from actual or perceived bias or conflicts of interest that would materially impact the outcome. Any party who feels that there is actual or perceived bias or conflict of interest that would materially impact the outcome may submit a written petition for the person's removal from the process.

The petition should include specifics as to the actual or perceived bias or conflict of interest, and why the petitioner believes the bias or conflict could materially impact the outcome. Such petitions are to be made to the Title IX/Equity/AA/ADA/504 Coordinator, or to the College President in the event that the potential conflict or bias involves the Title IX/Equity/AA/ADA/504 Coordinator.

g. Recordkeeping

In implementing these procedures, records of all allegations, investigations, and resolutions will be kept by the Title IX/Equity/AA/ADA/504 Coordinator indefinitely in the electronic Title IX/Equity/AA/ADA/504 Coordinator database.

h. Withdrawal or Resignation While Charges Pending

Students: The College does not permit a student to withdraw if that student has a grievance pending for violation of the Civil Rights policies and procedures, or for charges under the Code of Student Conduct. Should a student decide to leave and not participate in the investigation and/or appeal, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to the College unless all sanctions have been satisfied.

Employees: Should an employee resign while charges are pending, the records of Title IX/Equity/AA/ADA/504 Coordinator will reflect that status, as will College responses to any future inquiries regarding employment references for that individual. The Title IX/Equity/AA/ADA/504 Coordinator will act to promptly and effectively remedy the effects of the conduct upon the complainant and the community.

i. Failure to Complete Sanctions/Comply with Responsive Actions

All respondents are expected to comply with conduct sanctions/responsive/corrective actions within the time frame specified by the sanctioning officer. Failure to follow through on conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the College and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the sanctioning officer.

j. Long-Term Remedies/Actions

Following the conclusion of the Equity Grievance Resolution Process and in addition to any sanctions implemented, the Title IX/Equity/AA/ADA/504 Coordinator may utilize long-term remedies or actions to stop the harassment or discrimination, remedy its effects and prevent their reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Student Assistance Program
- Referral to the Employee Assistance Program
- Education to the community
- Permanently altering the housing situation of the complainant and/or respondent (resident student or resident employee)
- Permanently altering work arrangements for employees
- Providing campus escorts
- Providing transportation accommodations
- Implementing long-term contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.
- Climate surveys
- Policy modification

k. Disabilities Accommodation in the Equity Resolution Process

Central Community College is committed to providing qualified students, employees or others with disabilities with reasonable accommodations and support needed to ensure equal access to the Equity Resolution Process at the College. Students needing such accommodations or support should contact the Director of Disability Services, who will review the request and, in consultation with the person requesting the accommodation, and the Title IX/Equity/AA/ADA/504 Coordinator, determine which accommodations are appropriate and necessary for full participation. Employees needing such accommodations or support should contact Human Resources.

## H. Statement of the Rights of the Complainant

- The right to investigation and appropriate resolution of all credible reports or notice of sexual misconduct or discrimination made in good faith to college officials.
- The right to be informed in advance of any public release of information regarding the incident.
- The right of the complainant not to have any personally identifiable information released to the public, without his or her consent.
- The right to be treated with respect by college officials.
- The right to have college policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by college officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to be informed by college officials of options to notify proper law enforcement authorities, including on-campus security and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the complainant's desire.
- The right to have reports of sexual misconduct responded to promptly and with sensitivity by campus law enforcement and other campus officials.
- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services for victims of sexual assault, both on campus and in the community.
- The right to a campus no contact order (or a trespass order against a non-affiliated 3rd party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complainant or others.

- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so requested by the complainant and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
  - Change of an on-campus student’s housing to a different on-campus location;
  - Assistance from college support staff in completing the relocation;
  - Transportation accommodations;
  - Arranging to dissolve a housing contract and pro-rating a refund;
  - Exam (paper, assignment) rescheduling;
  - Taking an incomplete in a class;
  - Transferring class sections;
  - Temporary withdrawal;
  - Alternative course completion options.
- The right to have the institution maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution’s ability to provide the accommodations or protective measures.
- The right to be fully informed of college policies and procedures as well as the nature and extent of all alleged violations contained within the report.
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses.
- The right to review all documentary evidence available regarding the allegation, subject to the privacy limitations imposed by state and federal law.
- The right not to have irrelevant prior sexual history admitted as evidence in a campus investigation.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports heard by investigators and appeals officers who have received annual sexual misconduct training.
- The right to an appeals panel comprised of representatives of both genders, if a panel is to be used.
- The right to preservation of privacy, to the extent possible and permitted by law.

- The right to meetings and/or interviews that are closed to the public.
- The right to petition that any member of the college resolution proceedings be recused on the basis of demonstrated bias.
- The right to bring a victim advocate or advisor of the complainant's choosing to all phases of the investigation and resolution proceeding.
- The right to provide evidence by means other than being in the same room with the respondent.
- The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties.
- The right to be informed in writing of when a decision of the college is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the college.

#### **I. Statement of the Rights of the Respondent**

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct made in good faith to college administrators.
- The right to be informed in advance, when possible, of any public release of information regarding the report.
- The right to be treated with respect by college officials.
- The right to have college policies and procedures followed without material deviation.
- The right to be informed of and have access to campus resources for counseling and advisory services.
- The right to be fully informed of the nature, policies and procedures of the college resolution process and to timely written notice of all alleged violations within the report, including the nature of the violation and possible sanctions.
- The right to review all documentary evidence available regarding the allegation, subject to the privacy limitations imposed by state and federal law.
- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process.

- The right to have reports heard by investigators and appeals officers who have received annual sexual misconduct training.
- The right to petition that any member of the college resolution proceedings be recused on the basis of demonstrated bias.
- The right to an appeals panel comprised of representatives of both genders if a panel is to be used.
- The right to meetings and/or interviews that are closed to the public.
- The right to have an advisor of their choice to accompany and assist in the college resolution process.
- The right to a fundamentally fair resolution, as defined in these procedures.
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice.
- The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties.
- The right to be informed in writing when a decision of the college is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the college.

## REVISIONS

Procedure (Cabinet adopted 11/6/14)

These policies and procedures will be reviewed and updated annually by the Title IX/Equity/AA Coordinator. The Title IX/Equity/AA Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. However, the Title IX/Equity/AA Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.



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