

Central Community College

Civil Rights

Policies & Procedures

Updated: December 2025

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 Central Community College's Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedure. The Policy and 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.

**EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION
FOR ALL FACULTY, STUDENTS, EMPLOYEES, AND THIRD PARTIES**

POLICY & PROCEDURES:

Equal Opportunity, Harassment, and Nondiscrimination Procedure

1) Definitions

- **Advisor.** Any person chosen by a party, or appointed by the institution, who may accompany the party to all meetings related to the resolution process, advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- **Appeal Decision-maker.** The person or panel who accepts or rejects a submitted appeal request, determines whether any of the appeal grounds are met, and directs corrective action(s), accordingly.
- **Complainant.** An individual who is alleged to have been subjected to conduct that could constitute discrimination, harassment, retaliation, or Other Prohibited Conduct under the Policy.
- **Confidential Resource.** An employee who is not a Mandated Reporter of notice of discrimination, harassment, , and/or retaliation (irrespective of Clary Act Campus Security Authority status).
- **Day.** A business day when Central Community College is in normal operation.
- **Decision-maker.** The person or panel who reviews evidence, determines relevance, and makes the Final Determination of whether this Policy has been violated and/or assigns sanctions.
- **Directly Related Evidence.** Evidence connected to the complaint, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the Decision-maker. Compare to [Relevant Evidence](#), below.
- **Education program or activity.** Locations, events, or circumstances where Central Community College exercises substantial control over both the Respondent and the context in which the discrimination, harassment, or retaliation occurs and also includes any building owned/controlled and is officially recognized by Central Community College.
- **Employee.** A person employed by Central Community College either full- or part-time, including student employees when acting within the scope of their employment.
- **Final Determination.** A conclusion that by a preponderance of the evidence that the alleged conduct occurred and whether it did or did not violate Policy.
- **Finding.** A conclusion by the preponderance of the evidence that the conduct did or did not violate Policy.
- **Formal Complaint.** A document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging a Respondent engaged in discrimination, harassment, retaliation, and/or Prohibited Conduct under this Policy and requesting that Central Community College investigate the allegation(s).
- **Formal Grievance Process.** “Process A,” a method of formal resolution designated by Central Community College to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.
- **Informal Resolution.** A complaint resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a Final Determination being reached.
- **Investigator.** The person(s) authorized by Central Community College with gathering facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and

compile this information into an investigation report and file of Directly Related Evidence.

- **Mandated Reporter.** An employee of Central Community College who is obligated by Policy to share knowledge, Notice, and/or reports of discrimination, harassment, retaliation, and/or Other Prohibited Conduct with the Title IX Coordinator.
- **Notice.** When an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of discriminatory, harassing, retaliatory conduct, and/or Other Prohibited Conduct.
- **Official with Authority (OWA).** An employee of Central Community College with the responsibility to implement corrective measures for discrimination, harassment, retaliation, and/or Other Prohibited Conduct on behalf of Central Community College.
- **Parties.** The Complainant(s) and Respondent(s), collectively.
- **Process A.** The Formal Grievance Process detailed below and defined above.
- **Process B.** The administrative resolution process detailed on page 69 that only applies when Process A does not, as determined by the Title IX Coordinator.
- **Protected Characteristic.** Any characteristic for which a person is afforded protection against discrimination and harassment by law or Central Community College Policy.
- **Relevant Evidence.** Evidence that may aid a Decision-maker in determining whether the alleged discrimination, harassment, retaliation, or Other Prohibited Conduct occurred, or in determining the credibility of the Parties or witnesses.
- **Remedies.** Typically, post resolution actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to Central Community College's educational program and activities.
- **Respondent.** A person who is alleged to have engaged in conduct that could constitute discrimination based on a protected characteristic, harassment, or retaliation for engaging in a protected activity under this Policy, or Other Prohibited Conduct.
- **Resolution.** The result of an informal Resolution, Formal Grievance Process, or Administrative Resolution Process
- **Sanction.** A consequence imposed by Central Community College on a Respondent who is found to have violated college policy.
- **Student.** Any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing educational relationship with Central Community College.
- **Title IX Coordinator.** At least one official designated by Central Community College to ensure compliance with Title IX and Central Community College's Title IX program. References to the Coordinator throughout this policy and procedure may also encompass a designee of the coordinator for specific tasks.
- **Title IX Team.** refers to the Title IX Coordinator, any deputy coordinators, and any member of the Formal Grievance Process Pool.

Purpose

Central Community College is committed to providing an educational and employment environment that is free from discrimination, based on protected characteristics, harassment, and retaliation for engaging in a protected activity. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Central Community College has developed internal policies and procedures that provide a prompt, fair, and impartial resolution of allegations of protected characteristic discrimination, harassment, or retaliation. Central Community College values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the grievance process during what is often a difficult time for all those involved.

Scope

This Policy applies to all faculty, employees, students, and other individuals participating in or attempting to participate in Central Community College's program or activities, including education and employment.

This Policy prohibits all forms of discrimination on the basis of the protected characteristic(s) and may be applied to all incidents, to pattern, and/or to the institutional culture/climate, all of which may be addressed in accordance with this Policy.

Title IX Coordinator

Central Community College recognizes that allegations under this policy may include multiple forms of discrimination and harassment as well as violations of other Central Community College policies; may involve various combinations of students, employees, and other members of Central Community College community; and may require the simultaneous attention of multiple Central Community College departments. Accordingly, all Central Community College departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable Central Community College policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination, harassment, or retaliation.

An administrator, as selected by the College President, serves as the Title IX Coordinator and ADA/504 Coordinator and oversees implementation of Central Community College's Equal Opportunity plan, disability compliance, and this Policy. They are responsible for providing comprehensive nondiscrimination education and training; coordinating Central Community College's timely, thorough, and fair response, investigation, and resolution of all alleged prohibited conduct under this Policy; and monitoring the effectiveness of this Policy and related procedures to ensure an education and employment environment free from discrimination, harassment, and retaliation.

Independence and Conflict-of-Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact Central Community College President Dr. Matthew Gotschall at mgotschall@cccneb.edu or 308-398-7300 or

designee. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to Central Community College President Dr. Matthew Gotschall at mgotschall@cccneb.edu or 308-398-7300 or designee. Reports of misconduct or discrimination committed by any other Title IX Pool member should be reported to the Title IX Coordinator.

Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Dr. Elizabeth Klitz
Vice President of Student Success and Enrollment Management
& Title IX Coordinator
Location: 4500 63rd Street Columbus, NE 68601
Phone: 402-562-1284
Email: titleixcoordinator@cccneb.edu
Web: https://cm.maxient.com/reportingform.php?CentralCCNeb&layout_id=40

Deputy Title IX Coordinators

Pennie Morgan, Senior Director of Human Resources
Title IX Deputy Coordinator
308-398-7325
penniemorgan@cccneb.edu

Mary Young, Athletic Director
Title IX Deputy Coordinator for Athletics
402-562-1234
myoung@cccneb.edu

Title IX Team Members

Brenda Preister
Title IX Investigator, Advisor
Hearing Panel/Decision Maker

Erika Wolfe
Title IX Investigator, Advisor
Hearing Panel/Decision Maker

Susan Dudley
Title IX Investigator, Advisor
Hearing Panel/Decision Maker

Brandon Stalvey
Title IX Investigator, Advisor
Hearing Panel/Decision Maker

Luz Colon-Rodriguez
Title IX Educator

Barry Horner
Advisor
Hearing Panel/Decision Maker

Samantha Hill
Advisor
Hearing Panel/Decision Maker

Kory Cetak
Advisor
Hearing Panel/Decision Maker

Angela Davidson
Title IX Investigator, Advisor
Hearing Panel/Decision Maker

Ricardo Ramirez
Advisor
Hearing Panel/Decision Maker

Central Community College has determined that the following administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Team members listed above, these Officials with Authority listed below may also accept notice or complaints on behalf of Central Community College.

Christopher Waddle
Hastings Campus President
cwaddle@cccneb.edu
402-461-2400

Dr. Kathy Fuchser
Columbus Campus President
kathyfuchser@cccneb.edu
402-562-1211

Candace Walton
Vice President for Innovation and Instruction
candacewalton@cccneb.edu
308-398-7305

Joel King
Vice President of Administrative Services
joelking@cccneb.edu
308-398-7315

Central Community College has also classified all employees as Mandated Reporters who must report any knowledge they have that a member of the community that is experiencing harassment, discrimination, and/or retaliation. The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

External Contact Information

Concerns about Central Community College's application of this Policy and compliance with certain federal civil rights laws may be addressed to:

Office for Civil Rights (OCR)
U.S. Department of
Education 400 Maryland
Avenue, SW Washington
D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov

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

Equal Employment Opportunity Commission (EEOC)

Contact: <http://www.eeoc.gov/contact/>

Nebraska EEOC Contact Information:

State-Level Equal Opportunity Officer

Nebraska Department of
Labor 550 S. 16th Street
P.O. Box 94600
Lincoln, NE 68509-4600

Phone: 402-471-8358

TDD/TTY: 800-833-7352

Email: NDOL.EOComplaints@Nebraska.gov

Notice/Complaints of Discrimination, Harassment, and/or Retaliation

A Report provides notice to Central Community College of an allegation or concern about discrimination, harassment, retaliation, and/or Other Prohibited Conduct and provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures. A Complaint provides notice to Central Community College that the Complainant would like to initiate an investigation or other appropriate resolution procedures. A Complainant or individual may initially make a report and may decide at a later time to make a Formal Complaint. Reports or Formal Complaints of discrimination, harassment, retaliation, and/or Other Prohibited Conduct may be made using any of the following options:

1) File a complaint or Formal Complaint with, or give verbal notice to, the Title IX Coordinator [or deputy/deputies/Officials with Authority]. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed. Individuals making reports should make it clear to the person they are reporting to that they are sharing concerns or information with the intention of making a report.

[2] Report online, using the reporting form at https://cm.maxient.com/reportingform.php?CentralCCNeb&layout_id=40. Anonymous reports are accepted but can give rise to a need to try to determine the Parties' identities. Anonymous reports typically limit Central Community College's ability to investigate, respond, and provide remedies, depending upon what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted. It also may not be possible to provide supportive measures to Complainants who are the subject of anonymous reports..

Reporting carries no obligation to file a Formal Complaint, and in most situations, Central Community College is able to respect a Complainant's request to not initiate a grievance process. However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where Central Community College may need to initiate a grievance process. If a Complainant does not wish to file a Formal Complaint, Central Community College will maintain the privacy of information to the extent possible. The Complainant should not fear a loss of confidentiality by

submitting a report that allows Central Community College to discuss and/or provide supportive measures, in most circumstances.

As used in this Policy, the term “Formal Complaint” means a document or electronic submission (such as an email or online report) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that Central Community College investigate the allegation(s).

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly and that a formal complaint is desired.

Supportive Measures

Central Community College will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged discrimination, harassment, , and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Parties to restore or preserve access to Central Community College’s education program or activity, including measures designed to protect the safety of all Parties or Central Community College’s educational environment, and/or discrimination, harassment, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the Parties upon receiving Notice or a Formal Complaint. If at the time that supportive measures are offered, a Formal Complaint has not been filed, Central Community College will inform the Complainant, in writing, that they may file a Formal Complaint with Central Community College either at that time or in the future. The Title IX Coordinator or designee will work with the Complainant to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented.

Central Community College will maintain the privacy of the supportive measures if privacy does not impair Central Community College’s ability to provide the supportive measures. Central Community College will act to ensure as minimal an academic impact on the Parties as possible. Central Community College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program (EAP)
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Implementing contact limitations (no contact orders) between the Parties

- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely Warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

Emergency Removal

Central Community College can act to remove a Respondent accused of Sexual Harassment from its education program or activities, entirely or partially, on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator and may be done in conjunction with the Behavioral Intervention Team (CARE Team) using its standard objective violence risk assessment procedures. Employees are subject to existing procedures for interim actions and leaves.

Central Community College will implement the least restrictive emergency actions possible considering the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or [employee's] access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

Privacy

Central Community College makes every effort to preserve the Parties' privacy¹. Central Community College will not share the identity of any individual who has made a report or complaint of discrimination, harassment, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of discrimination, harassment or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes of, applicable laws and regulations (e.g., Title IX), the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.

¹ For the purpose of this procedure, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of Central Community College employees who "need to know" to assist in the assessment, investigation, and resolution of the report. All employees who are involved in Central Community College's response to notice under this procedure receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in Central Community College's FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. Central Community College has designated individuals who can have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 26. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clergy Act. Other information may be shared as required by law.

Jurisdiction of Central Community College

This policy applies to the education program and activities of Central Community College, to conduct that takes place on the campus or on property owned or controlled by Central Community College, at Central Community College-sponsored events.

This policy may also apply to the effects of off-campus misconduct that limits or deny a person's access to Central Community College's educational program. Central Community College may also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial Central Community College interest.

Regardless of where the conduct occurred, Central Community College will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial Central Community College interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of Central Community College.

For disciplinary action to be issued under this Policy, the Respondent must be a Central Community College faculty member, student, or employee at the time of the Formal Complaint. If the Respondent is unknown or is not a member of Central Community College community, the Title IX Coordinator will offer to assist the Complainant in identifying appropriate campus and local resources and support options and will implement appropriate supportive measures and/or remedial actions (e.g., trespassing a person from campus). Central Community College can also assist in contacting local or campus law enforcement if the individual would like to file a police report about criminal conduct.

All vendors serving Central Community College through third-party contracts are subject to the policies and procedures of their employers or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When a party is participating in a dual enrollment or early college program, Central Community College will coordinate with the party's home institution to determine jurisdiction and coordinate providing supportive measures and responding to the complaint under the appropriate policy and procedures based on the allegations and identities of the Parties.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Time Limits on Reporting

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

Acting on Notice/Formal Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Title IX Coordinator's discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, Central Community College will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

Online Harassment and Misconduct

The policies of Central Community College are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on Central Community College's education program and activities or use Central Community College networks, technology, or equipment.

While Central Community College may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to Central Community College, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of Central Community College community.

Nothing in this Policy is intended to infringe upon or limit a person's rights to free speech. Any online posting or other electronic communication by students, including technology-facilitated bullying, stalking, harassment, etc., occurring completely outside of Central Community College's control (e.g., not on Central Community College networks, websites, or between Central Community College email accounts) will only be subject to this Policy when such online conduct can be shown to cause (or will likely cause) a substantial in-program disruption or infringement on/harm to the rights of others. Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided.

Off-campus harassing speech by employees, whether online or in person, may be regulated by Central Community College only when such speech is made in an employee's official or work-related capacity.

Notice of Nondiscrimination:

Central Community College seeks to comply with all federal, state, and local laws and regulations prohibiting discrimination in public post-secondary institutions.

Central Community College does not discriminate against any employee, applicant for employment, or student:

- Race,
- Religion,
- Personal appearance,
- Height
- Color,
- Sex,
- Pregnancy or related conditions,
- Political belief or affiliation,
- Source of income,
- Place of business,
- Residence,
- Religion,
- Creed,
- Ethnicity and ethnic characteristics,
- National origin (including shared ancestry),
- Citizenship status,
- Disability (physical or mental or),
- Age (40 years and over in the employment context),
- Marital status,
- Family responsibilities,
- Sexual orientation,
- Gender identity,
- Gender expression,
- Genetic information (including family medical history)
- Veteran or military status (including disabled veteran, recently separated veteran, active-duty wartime or campaign badge veteran, and Armed Forces Service Medal veteran),
- Domestic violence victim status,
- or any other protected category under applicable federal, state, or local law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agency.

This policy covers nondiscrimination in both employment and access to educational opportunities.

Therefore, any member of Central Community College community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of Central Community College community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of Central Community College policy on nondiscrimination.

Central Community College will promptly and effectively address any such discrimination of which it has Knowledge/Notice using the resolution process in the appropriate grievance process described below (Process A or Process B).

Disability Discrimination and Accommodation Procedure

Central Community College is committed to full compliance with the Americans With Disabilities

Act of 1990 (ADA), as amended, 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 and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have 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 Central Community College, regardless of whether they currently have a disability. 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.

Disability Discrimination and Accommodation Procedure:

Central Community College's ADA/504 Coordinator is responsible for overseeing efforts to comply with the American Disabilities Act of 1990 (ADA), as amended and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal, state and local laws and regulations pertaining to individuals with disabilities. The ADA/504 Coordinator's responsibilities include responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Grievances related to disability status and/or accommodations will be addressed using the procedures below.

A. Students with Disabilities

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

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the Director of Disability Services, who coordinates services for students with disabilities.

The Director of Disability Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s). If the accommodation plan or any accommodation denials do not meet the satisfaction of the student, the student may appeal the decision via letter or email to the ADA/504 Coordinator for review and consideration of additional accommodations.

B. Employees with Disabilities

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

An employee with a disability is responsible for submitting a request for accommodation to the ADA/504 Coordinator or designee and providing necessary documentation. The ADA/504 Coordinator or designee 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. If the employee is unsatisfied with the accommodation plan that is developed, they may appeal the decision to the ADA/504 Coordinator via letter or email. The appeal must include reason for the needed changes as well as documentation of the process completed prior to the appeal.

A. Prohibited Conduct

Students, and employees are entitled to an educational and employment environment that is free of discrimination, harassment, and retaliation. 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 sections below describe the specific forms of legally prohibited discrimination, harassment, and retaliation that are also prohibited under Central Community College policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Central Community College policy, though supportive measures will be offered to those impacted.

All offense definitions encompass actual and/or attempted offenses.

Any of the following offenses can be charged as or combined as pattern offenses, in which case the Notice of Investigation and Allegation (NOIA) will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly.

Violation of any other Central Community College policies may constitute discrimination or harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

a. Discrimination

Discrimination is different treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived protected characteristic. Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, religion, or creed.

Discrimination can take two primary forms:

1) Disparate Treatment Discrimination:

- Any intentional differential treatment of a person or persons that is based on a person's actual or perceived protected characteristic and that:
 - Excludes a person from participation in;
 - Denies the person benefits of; or
 - Otherwise adversely affects a term or condition of a person's participation in

a by Central Community College program or activity.

2) Disparate Impact Discrimination:

- Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:
 - Excludes a person from participation in;
 - Denies the person benefits of; or
 - Otherwise adversely affects a term or condition of a person’s participation in a by Central Community College program or activity.

b. Discriminatory Harassment

- unwelcome conduct on the basis of actual or perceived protected characteristic(s), that
- based on the totality of the circumstances,
- is subjectively and objectively offensive, and
- is so severe or pervasive,
- that it limits or denies a person’s ability to participate in or benefit from Central Community College’s education program or activity

Central Community College does not tolerate discriminatory harassment of any employee, student, visitor, or guest. Central Community College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a “hostile environment.”

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits, or opportunities.²This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe and pervasive and objectively offensive.

c. Sexual Harassment

The Department of Education’s Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the state of Nebraska regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

Central Community College has adopted the following definitions of sexual harassment in order to address the unique environment of an academic community. Two definitions are required by federal law. While they overlap, they are not identical, and they each apply as noted.

- 1) **Title VII Sexual Harassment** applies to situations where an employee is subjected to workplace sexual harassment [or where a situation involves a residential Complainant in Central Community College-provided housing].
 - Unwelcome verbal, written, graphic, and/or physical conduct;
 - that is severe or pervasive and objectively offensive;

² This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: [Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students At Educational Central Community Colleges Investigative Guidance.](#)

- on the basis of sex/gender, that
- unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

2) **Title IX Sexual Harassment**, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This definition applies to all Formal Complaints that fall within Title IX jurisdiction as determined by the Title IX Coordinator. Sexual Harassment includes:

Conduct on the basis of sex that satisfies one or more of the following:

a. Quid Pro Quo:

- i. an employee of Central Community College,
- ii. conditions the provision of an aid, benefit, or service of Central Community College,
- iii. on an individual's participation in unwelcome sexual conduct; and/or

b. Sexual Harassment:

- i. unwelcome conduct,
- ii. determined by a reasonable person,
- iii. to be so severe, and
- iv. pervasive, and
- v. objectively offensive,
- vi. that it effectively denies a person equal access to Central Community College's educational activity

education program or activity.³

c. Sexual assault, defined as:

a) Rape:

- Penetration by the Respondent, no matter how slight,
- of the vagina or anus of the Complainant,
- with any body part or object, or
- oral penetration of the Complainant by a sex organ of the Respondent,
- without the consent of the Complainant.

b) Fondling:

- The touching of the private body parts of the Complainant (buttocks, groin, breasts) by the Respondent,
- for the purpose of sexual gratification,
- without the consent of the Complainant,
- including instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental incapacity.

c) Incest:

- Sexual intercourse,
- between persons who are related to each other,
- within the degrees wherein marriage is prohibited by Nebraska law.

d) Statutory Rape:

- Sexual intercourse,
- with a person who is under the statutory age of consent of 16 years old, per Nebraska law.

d. Dating Violence:

- i. violence,
- ii. on the basis of sex,
- iii. committed by a person,
- iv. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

1. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—

- a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- b. Dating violence does not include acts covered under the definition of domestic violence.

e. Domestic Violence*:

- i. violence,

³ Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

- ii. on the basis of sex,
- iii. committed by a current or former spouse or intimate partner of the Complainant,
- iv. by a person with whom the Complainant shares a child in common, or
- v. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- vi. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Nebraska.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

f. Stalking,:

- i. engaging in a course of conduct,
- ii. on the basis of sex,
- iii. directed at a specific person, that
 1. would cause a reasonable person to fear for the person's safety, or
 2. the safety of others; or
 3. Suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

B. Other Prohibited Conduct

1) **Sexual Exploitation:**

- any person taking non-consensual or abusive sexual advantage of another, that does not constitute Sexual Harassment as defined above,
- for their own benefit or for the benefit of anyone other than the person being exploited

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Electronically distributing (e.g., Airdropping, Snapchattng) nude or sexual photos or videos of another person without their consent
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another person in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity; or

disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography

- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child sexual abuse images or recordings
- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)

2) **Bullying**

- repeated and/or severe aggressive behavior
- that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant,
- that is not speech or conduct that is otherwise protected by the First Amendment.

3) **Endangerment**

- threatening or causing physical harm;
- extreme verbal, emotional, or psychological abuse; or
- other conduct which threatens or endangers the health or safety of any person or damages their property.

4) **Hazing**

- Any act or action
- Which does or is likely to endanger the mental or physical health or safety of any person
- As it relates to a person's initiation, admission into, or affiliation with any Central Community College group or organization.

5) **Retaliation**

- Central Community College or any member of Central Community College's community,
- taking or attempting to take materially adverse action,
- by intimidating, threatening, coercing, harassing, or discriminating against any individual,
- for the purpose of interfering with any right or privilege secured by law or policy, or
- because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for Central Community College to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under this Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

6) Failure to Comply/Process Interference

- Intentional failure to comply with the reasonable directives of the Title IX Coordinator in the performance of their official duties, including with the terms of a no contact order
- Intentional failure to comply with emergency removal or interim suspension terms
- Intentional failure to comply with sanctions
- Intentional failure to adhere to the terms of an Informal Resolution agreement
- Intentional failure to comply with mandated reporting duties as defined in this Policy
- Intentional interference with the Resolution Process, including, but not limited to:
 - Destroying or concealing of evidence
 - Seeking or encouraging false testimony or providing false testimony or evidence
 - Intimidating or bribing a witness or party

Consensual Relationship Policy:

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. Central Community College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of Central Community 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.

This type of relationship includes Resident Advisors (RAs) and students over whom the RA has direct responsibility. While no relationships are prohibited by this policy, failure to timely self-report such relationships to a supervisor as required can result in disciplinary action for an employee. The Title IX Coordinator will determine whether to refer violations of this provision to Human Resources for

resolution, or to pursue resolution under Title IX, based on the circumstances of the allegation.

C. Sanction Ranges

The following sanction ranges apply for Prohibited Conduct under this Policy. Sanctions can be assigned outside of the specified ranges based on aggravating or mitigating circumstances, or the Respondent's cumulative conduct record.

- Discrimination: warning through expulsion or termination.
- Discriminatory Harassment: warning through expulsion or termination.
- Title VII Sexual Harassment: warning through expulsion or termination.
- Quid Pro Quo Harassment: warning through expulsion or termination.
- Hostile Environment Harassment: warning through expulsion or termination.
- Rape: suspension through expulsion or termination.
- Fondling: warning through suspension (termination for employees).
- Incest: warning through probation.
- Statutory Rape: warning through suspension (termination for employees).
- Stalking: probation through expulsion or termination.
- Dating/Domestic Violence: probation through expulsion or termination.
- Sexual Exploitation: warning through expulsion or termination.
- Bullying: warning through expulsion or termination.
- Endangerment: warning through expulsion or termination.
- Retaliation: warning through expulsion or termination.
- Failure to Comply/Process Interference: warning through expulsion or termination.

D. Consent, Force, and Incapacitation

As used in this Policy, the following definitions and understandings apply:

1) Consent⁴ is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity⁵.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent is evaluated from the perspective of what a reasonable person would conclude are mutually understandable words or actions. Reasonable reciprocation can be implied consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonably immediate time.

Silence or the absence of resistance alone should not be interpreted as consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

⁴ The State definition of consent is:

(a)(i) The victim was compelled to submit due to the use of force or threat of force or coercion, or (ii) the victim expressed a lack of consent through words, or (iii) the victim expressed a lack of consent through conduct, or (iv) the consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor;

(b) The victim need only resist, either verbally or physically, so as to make the victim's refusal to consent genuine and real and so as to reasonably make known to the actor the victim's refusal to consent; and

(b) (c) A victim need not resist verbally or physically where it would be useless or futile to do so. Neb. Rev. Stat. §28-318(8). which is applicable to criminal prosecutions for sex offenses in Nebraska but may differ from the definition used on campus to address policy violations.

⁵ Consent in relationships must also be considered in context. When Parties consent to BDSM (bondage, discipline, sadism, masochism) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying "no" may be part of the kink and thus consensual.

Consent to some sexual contact (such as kissing or fondling) cannot be assumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected. If a sexual partner shares the clear expectation for the use of a condom, or to avoid internal ejaculation, and those expectations are not honored, the failure to use a condom, removing a condom, or internal ejaculation can be considered acts of sexual assault.

Proof of consent or non-consent is not a burden placed on any party involved in a complaint. Instead, the burden remains on Central Community College to determine whether its Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Going beyond the boundaries of consent is prohibited. Thus, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sex, those acts may constitute dating violence or sexual assault.

2) Force:

Force is the use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced.

Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” which elicits the response, “Okay, don’t hit me. I’ll do what you want.”).

Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person’s consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

3) Incapacitation:

Incapacitation is a state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drug consumption.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

If the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated, the Respondent is not in violation of this Policy. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

3) **Mandated Reporting**

All Central Community College employees (including student-employees) other than those deemed Confidential Employees, are Mandated Reporters and are expected to promptly report all known details of actual or suspected discrimination, harassment, retaliation, and/or Other Prohibited Conduct to appropriate officials immediately, though there are some limited exceptions. Supportive measures may be offered as the result of such disclosures without formal Central Community College action.

Complainants may want to carefully consider whether they share personally identifiable details with Mandated Reporters, as those details must be shared with the Title IX Coordinator.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or Policy violations, and these employees will immediately pass Notice to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at Central Community College for a Complainant or third-party (including parents/guardians when appropriate):

a. Confidential Resources

To enable Complainants to access support and resources without filing a Formal Complaint, Central Community College has designated specific employees as Confidential Resources. Those designated by Central Community College as Confidential Resources are not required to report actual or suspected discrimination, harassment, or retaliation in a way that identifies the Parties. They will, however, provide the Complainant with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or Central Community College official unless a Complainant has requested the information be shared.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following:

- On-campus licensed professional counselors
- Off-campus (non-employees):
 - Licensed professional counselors and other medical providers
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - Clergy/Chaplains
 - Attorneys

Campus counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Central Community College employees who are confidential will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

Failure of a Mandated Reporter, as described above in this section, to report an incident of discrimination,

harassment, retaliation, or Other Prohibited Conduct of which they become aware is a violation of Central Community College Policy and can be subject to disciplinary action for failure to comply/failure to report. This also includes situations when a harasser is a Mandated Reporter. Such individuals are obligated to report their own misconduct, and failure to do so is a chargeable offense under this Policy.

A Mandated Reporter who is themselves a target of discrimination, harassment, or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

In addition, Complainants may speak with individuals unaffiliated with Central Community College without concern that Policy will require them to disclose information to the institution without permission:

- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

b. Anonymous Notice

Mandated Reporters are required to fully disclose all information, including the Complainant's identity, when making a report to the Title IX Coordinator.

Anonymous notice will be investigated by Central Community College to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.

However, anonymous notice typically limits Central Community College's ability to investigate, respond, and provide remedies, depending on what information is shared.

4) Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Central Community College must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Central Community College will ensure that a Complainant'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.

5) False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy

evidence after being directed to preserve such evidence, or deliberately mislead an official conducting an investigation, hearing, or Informal Resolution can be subject to discipline under appropriate Central Community College policy.

6) Amnesty for Complainants and Witnesses

Central Community College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report alleged misconduct to Central Community College officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of Central Community College community that Complainants choose to report misconduct to Central Community College officials, that witnesses come forward to share what they know, and that all Parties be forthcoming during the process.

To encourage reporting and participation in the process, Central Community College offers Parties and witnesses amnesty from minor procedure violations – such as underage alcohol consumption or the use of illicit drugs – related to the incident. Granting amnesty is a discretionary decision made by Central Community College, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

A. Students:

Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves. Central Community College maintains a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, Central Community College may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

B. Employees:

Sometimes, employees are hesitant to report discrimination, harassment, retaliation, or Other Prohibited Conduct they have experienced for fear that they may get in trouble themselves.

Central Community College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor procedure violations) related to the incident.

7) Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities (CSA's) – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a) All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b) Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c) Violence Against Women Act (VAWA-based crimes), which include sexual assault, domestic

- violence, dating violence, and stalking⁶
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on or off campus or in the surrounding area, but no addresses are given) must be passed along to the College Security Director or the campus Associate Dean of Students for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include student services staff, G4S security officers, coaches, athletic director, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities designated by Central Community College.

8) Preservation of Evidence

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders and is particularly time sensitive. Central Community College will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

Sexual Assault

- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or secure evidence container (if provided by law enforcement).
- Seeking medical treatment can be essential even if it is not for the purpose of collecting forensic evidence.

Stalking/Dating Violence/Domestic Violence/Sex-Based Harassment

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
 - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
 - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of e-mail and social media correspondence, including notifications related to account access alerts.
- Take time-stamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- Save copies of any messages, to include those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and the Title IX Coordinator the importance of taking these actions will be discussed, if timely.

⁶ 42 U.S.C. sections 13701 through 14040.

PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION

PROCESS “A”

1) Overview

Central Community College will act on any formal or informal notice/complaint of violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination (“the Policy”) that the Title IX Coordinator⁹ or any other Official with Authority receives by applying the procedures below, known as “Process A.”

The procedures below **only** apply to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, employees, or faculty members.

If other allegations are reported, such as protected characteristic discrimination or harassment as defined above, please see page 69 for a description of the procedures applicable to the resolution of such offenses, known as “Process B.”

2) Collateral Misconduct

Collateral misconduct is defined to include potential violations of other Central Community College policies not incorporated into the Equal Opportunity, Harassment, and Nondiscrimination Policy that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all allegations. Thus, the collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these Procedures. In such circumstances, the Title IX Coordinator may consult with Central Community College officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the discretion of Title IX Coordinator. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the student, faculty, and staff handbooks.

3) Notice/Complaint

Upon receipt of Notice or a Formal Complaint of an alleged policy violation, the Title IX Coordinator will initiate a prompt initial assessment to determine Central Community College’s next steps. The Title IX Coordinator will contact the Complainant to offer supportive measures, provide information regarding resolution options, and determine how they wish to process.

4) Initial Assessment

Title IX Coordinator¹⁰ conducts an initial assessment, which is typically one (1) to five (5) days of receiving Notice or a Formal Complaint. The initial assessment typically includes:

- Assessing whether the reported conduct may reasonably constitute a Policy violation.
 - If the conduct may not reasonably constitute a Policy violation, the matter will be evaluated consistent with the dismissal provisions in these procedures. It may then be referred to another process, if applicable.
- Determining whether Central Community College has jurisdiction over the reported conduct, as defined in the Policy.
- If the conduct is not within Central Community College's jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate Central Community College office for resolution.
- Offering and coordinating supportive measures for the Complainant.
- Offering and coordinating supportive measures for the Respondent, as applicable.
- Determining whether the Complainant wishes to file a Formal Complaint.
- Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options, including a supportive and remedial response, and Informal Resolution option, or the Formal Grievance Process described below
- Notifying the Respondent of the available resolution options, including supportive and remedial response, and Informal Resolution option, or the Formal Grievance Process described below, if a Formal Complaint is made.

Helping a Complainant to Understand Resolution Options

If the Complainant indicates they wish to file a Formal Complaint, the Title IX Coordinator will help to facilitate the Formal Complaint, which will include working with the Complainant to determine whether the Complainant wishes to pursue one of three resolution options:

- A supportive and remedial response, and/or
- Informal Resolution, or
- The Formal Grievance Process described below.

The Title IX Coordinator will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If the Complainant elects for the Formal Grievance Process below, and the Title IX Coordinator has determined the Policy applies and that Central Community College has jurisdiction, they will route the matter to the appropriate Title IX Team member, will provide the Parties with a Notice of Investigation and Allegation(s), and will initiate an investigation consistent with these Procedures.

If any party indicates (either verbally or in writing) that they want to pursue an Informal Resolution option, the Title IX Coordinator will assess whether the matter is suitable for Informal Resolution and, if the other party(ies) consent to pursuing Informal Resolution, will refer the matter accordingly.⁷

⁷ Per the 2020 Title IX regulations, recipients are prohibited from Informal Resolution of a complaint by a student against an employee.

If the Complainant indicates (either verbally or in writing) that they do not want any action taken, no Resolution Process will be initiated (unless deemed necessary by the Title IX Coordinator), though the Complainant can elect to initiate one later, if desired.

Title IX Coordinator Authority to Initiate a Complaint

If the Complainant does not wish to file a Formal Complaint, the Title IX Coordinator, who has ultimate discretion as to whether a Formal Complaint is signed, will offer supportive measures and determine whether to sign a Formal Complaint themselves. To make this determination, the Title IX Coordinator will evaluate that request to determine if there is a serious and immediate threat to someone's safety or if Central Community College cannot ensure equal access without signing a Formal Complaint. The Title IX Coordinator will consider the following non-exhaustive factors to determine whether to file a Formal Complaint:

- The Complainant's request not to initiate a Formal Complaint.
- The Complainant's reasonable safety concerns regarding signing a Formal Complaint.
- The risk that additional acts of discrimination would occur if a Formal Complaint is not filed.
- The severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence.
- The age and relationship of the Parties, including whether the Respondent is a Central Community College employee.
- The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals.
- The availability of evidence to assist a Decision-maker in determining whether discrimination occurred.
- Whether Central Community College could end the alleged discrimination and prevent its recurrence without initiating its resolution process.

If deemed necessary, the Title IX Coordinator may consult with appropriate Central Community College employees, and/or conduct a violence risk assessment⁸ to aid their determination whether to sign a Formal Complaint.

When the Title IX Coordinator signs a Formal Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy.

If alleged misconduct does not fall within the scope of the Title IX regulations, the Title IX Coordinator determines that the regulations do not apply and will "dismiss" that aspect of the complaint, if any, assesses which policies may apply, and will refer the matter accordingly. Please note that dismissing a complaint under the 2020 Title IX regulations is solely a procedural requirement under Title IX, which does not limit Central Community College's authority to address a complaint with an appropriate process and remedies.

¹⁰ The College President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the TIX Coordinator, or the TIX Coordinator be otherwise unavailable or unable to fulfill their duties/role at the time the report is received.

⁸ See detailed information regarding Violence Risk Assessment in [Appendix G](#).

5. Dismissal (Mandatory and Discretionary)⁹

Central Community College must dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the policy hereinabove, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by Central Community College and/or Central Community College does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) The complainant is not participating in or attempting to participate in Central Community College's Education Program or Activity at the time of filing the Formal Complaint and, based on the available information, the Title IX Coordinator has determined that they do not need to sign a Formal Complaint on behalf of Central Community College.

Central Community College may dismiss a formal complaint or any allegations therein at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by Central Community College; or
- 3) Specific circumstances prevent Central Community College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Upon any dismissal, Central Community College will promptly and simultaneously send the Parties written notice of the dismissal and the rationale for doing so.

This dismissal decision is appealable by any party. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate.

5) Appeal of Dismissal

The Parties may appeal a decision to dismiss their Formal Complaint. All dismissal appeal requests must be filed within three (3) business days of the notification of the dismissal decision.

The Title IX Coordinator will notify the Parties of any appeal of the dismissal decision.

Throughout the dismissal appeal process, Central Community College will:

- Implement dismissal appeal procedures equally for the Parties.
- Assign a trained Dismissal Appeal Officer who did not take part in an investigation of the allegations or dismissal of the Complaint.

⁹ These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45.

- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal.
- Notify the Parties of the result of the appeal and the rationale for the result.

The grounds for dismissal appeals are limited to:

- 1) A procedural irregularity affected the outcome of the matter.
- 2) New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
- 3) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request from one or more Parties, the Title IX Coordinator will share the petition with all other Parties and provide three (3) business days for other Parties and the Title IX Coordinator to respond to the request. At the conclusion of the response period, the Title IX Coordinator will forward the appeal, as well as any response provided by the other Parties and/or the Title IX Coordinator to the Dismissal Appeal Officer for consideration.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the Dismissal Appeal Officer will deny the request, and the Parties, their Advisors, and the Title IX Coordinator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in this Policy, then the Dismissal Appeal Officer will notify all Parties and their Advisors, and the Title IX Coordinator, of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Officer has seven (7) business days to review and decide on the appeal, though extensions can be granted at the Title IX Coordinator's discretion, and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

The Dismissal Appeal Officer may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

6) Counter-Complaints

Central Community College is obligated to ensure that the grievance process is not abused for retaliatory purposes. Although Central Community College permits the filing of counter-complaints, the Title IX Coordinator will use an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. When counter-complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a Policy violation.

Counter-complaints determined to have been reported in good faith, will be processed using the Formal Grievance Process below. At the Title IX Coordinator's discretion, investigation of such claims may take place after resolution of the underlying initial Formal Complaint.

7) Advisors in the Formal Grievance Process

The Parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process if they so choose.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-maker.

1) Who Can Serve as an Advisor

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings, interviews, and hearings within the grievance process, including intake. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.¹⁰ Parties have the right to choose not to have an Advisor in the initial stages of the Resolution Process, prior to the hearing.

The Title IX Coordinator will offer to assign a trained Advisor for any party if the party chooses. If the Parties choose an Advisor from Central Community College pool, Central Community College will have trained the Advisor and familiarized them with Central Community College's grievance process.

Central Community 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, Central Community College is not obligated to provide an attorney to advise that party.

If the parties choose an Advisor from outside the pool of those identified by Central Community College, the Advisor may not have been trained by the College and may not be familiar with Central Community College policies and procedures.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

Central Community College may permit Parties to have more than one Advisor, or an Advisor and a support person, upon special request to the Title IX Coordinator. The decision to grant this request is at the Title IX Coordinator's sole discretion and will be granted equitably to all Parties.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

¹⁰ "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

2) Advisors in Hearings/Central Community College-Appointed Advisor

Under the Title IX Regulations, a form of indirect questioning is required during the hearing but must be conducted by the Parties' Advisors. The Parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, Central Community College will appoint a trained Advisor for the limited purpose of conducting any questioning of the Parties and witnesses.

3) Advisor's Role in the Formal Grievance Process

Advisors should help the Parties to prepare for each meeting or hearing and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to respond to questions on their own behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, with the exception of conducting cross-examination during a hearing, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

4) Advisor Policy Violations

Any Advisor who oversteps their role as defined by this Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with Central Community College's established rules of decorum will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing will be ended, or other appropriate measures implemented, including Central Community College requiring the party to use a different Advisor or providing a different Central Community College-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

5) Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to receive copies of the draft and final investigation reports, as well as the directly related evidence file.

Advisors are expected to maintain the confidentiality of the records Central Community College shares with them. Central Community College may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Central Community College's confidentiality expectations.

If a party requests that all communication be made through their attorney Advisor, Central Community College will not comply with that request.

6) Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by

Central Community College. Central Community 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 Central Community College's privacy expectations.

7) Advisor Expectations

Central Community College generally expects an Advisor to adjust their schedule to allow them to attend College meetings/interviews/hearings when planned but Central Community College may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

Central Community College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

All Advisors are subject to the same Central Community College policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by Central Community College. Advisors are expected to advise without disrupting proceedings.

8) Resolution Options Overview

The Formal Grievance Process is Central Community College's primary resolution approach unless all Parties and the College agree to an informal Resolution. The process considers the Parties' preference but is ultimately determined at the Title IX Coordinator's discretion.

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Central Community College policy. While there is an expectation of privacy around what Investigators share with Parties during interviews, the Parties have discretion to share their own knowledge and evidence with others if they so choose, except for information the Parties agree not to disclose as part of an Informal Resolution. Central Community College encourages Parties to discuss any sharing of information with their Advisors before doing so.

a. Informal Resolution

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a Final Determination, or the Title IX Coordinator may offer the option to the Parties. Central Community College will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

Three Approaches to Informal Resolution are detailed in this section:

- 1) Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation.
- 2) Accepted Responsibility.** When the Respondent accepts responsibility for violating Policy and accepts the recommended sanction(s), and the Complainant(s) and Central Community College are agreeable to the resolution terms.

- 3) Alternative Resolution.** When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.), as described below.

It is not necessary to pursue Informal Resolution first in order to pursue the Formal Grievance Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Formal Grievance Process.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in the Formal Grievance Process, should Informal Resolution not be successful, unless agreed to by all Parties.

If an investigation is already underway, the Title IX Coordinator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

Prior to implementing Informal Resolution, Central Community College will provide the Parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Central Community College.

Informal Resolution Approaches

1) Supportive Resolution

The Title IX Coordinator will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant's access to Central Community College's education program and activity. Such measures can be modified as the Complainant's needs evolve over time or circumstances change. The Title IX Coordinator may also provide reasonable supportive measures for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage in the other resolution options, and the Title IX Coordinator does not sign a Formal Complaint.

2) Accepted Responsibility

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Formal Grievance Process. If the Respondent indicates an intent to accept responsibility for **all** alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator will determine whether Informal Resolution is an option.

If Informal Resolution is available, the Title IX Coordinator will determine whether all Parties and Central Community College are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Central Community College Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate Title IX Coordinator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Formal Grievance Process will either begin or resume.¹¹

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the discrimination or harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

3) **Alternative Resolution**

The institution offers a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Title IX Coordinator or other appropriate Central Community College officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The Title IX Coordinator may consider the following factors to assess whether alternative resolution is appropriate, or which form of alternative resolution may be most successful for the Parties:

- The Parties' amenability to alternative resolution
- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Civility of the Parties
- Results of a violence risk assessment/ongoing risk analysis
- Respondent's disciplinary history
- Whether an emergency removal or other interim action is needed
- Skill of the alternative resolution facilitator with this type of Complaint
- Complaint complexity
- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties
- Adequate resources to invest in alternative resolution (e.g., time, staff)

The Title IX Coordinator has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement.

¹¹ The Parties may not want discussions that take place within Informal Resolution to be admissible in a later Resolution Process, but essential facts must and do transfer from the informal process to subsequent resolution proceedings. Disclosing something in an informal setting to shield it from formal admissibility is a cynical strategy, so administrators should take care in determining the terms of any assurances of the confidentiality of the Informal Resolution.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Title IX Coordinator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

The Title IX Coordinator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Formal Grievance Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). The results of Complaints resolved by alternative resolution are not appealable.

If an Informal Resolution option is not available or selected, Central Community College will initiate or continue an investigation and subsequent Formal Grievance Process to determine whether the Policy has been violated.

b. Formal Grievance Process (Begins at Section 10 below)

9) Grievance Process Pool

The Formal Grievance Process relies on a pool of individuals ("the Pool") to carry out the process.

a. Pool Member Roles

Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Coordinator:

- Appropriate intake of and initial guidance pertaining to Formal Complaints
- Perform or assist with initial assessment
- Advisor to the Parties
- Informal Resolution Facilitator
- Investigator
- Hearing Facilitator
- Decision-maker
- Appeal of Dismissal Decision-maker
- Appeal Decision-maker

b. Pool Member Appointment

The Title IX Coordinator, in consultation with senior administrators as necessary, appoints the Pool, which acts with independence and impartiality. While members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different Formal Complaints, Central Community College can also designate permanent roles for individuals in the Pool.

c. Pool Member Training

Pool members receive annual training related to their respective roles and assigned duties. This training may include, but is not limited to:

- The scope of the College’s Equal Opportunity, Harassment, and Nondiscrimination Policy and procedures
- Central Community College’s Formal Grievance Process
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias and confirmation bias
- Disparate treatment
- Disparate impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all prohibited conduct
- How to apply definitions used by Central Community College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and Informal Resolution Processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of discrimination, harassment, , retaliation, and/or Other Prohibited Conduct violations
- Recordkeeping

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are College employees), and Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool do not rely on sex stereotypes and are publicly posted here: <https://www.cccneb.edu/what-is-title-ix>

10) **Notice of Investigation and Allegations (NOIA)**

The Title IX Coordinator will provide the Parties written notice of the Investigation and Allegations (the “NOIA”) upon commencement of the Formal Grievance Process. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. For climate/culture investigations that do not have an

identifiable Respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved Parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies/offenses implicated,
- A description of, link to, or copy of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that Central Community College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- The name(s) of the Investigator(s), along with a process to notify the Title IX Coordinator of any conflict of interest that the Investigator(s) may have in advance of the interview process
-
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about Central Community College's policy on retaliation,
- Information about process confidentiality,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the Parties that Central Community College's policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Information about how a party may request disability accommodations or other support assistance during the Resolution Process,
- A link to Central Community College's VAWA Brochure,
- An instruction to preserve any evidence that is directly related to the allegations.

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

11) **Resolution Timeline**

Central Community College will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business daytime period, including any appeal, which the Title IX Coordinator can extend as necessary for appropriate cause. The Parties will receive regular updates on the progress of the Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

12) **Investigator Appointments**

Once an investigation is initiated, the Title IX Coordinator appoints an Investigator(s) to conduct it. These Investigators may be members of the Pool, or any other properly trained Investigator, whether

internal or external to Central Community College's community.

13) **Ensuring Impartiality**

Any individual materially involved in the administration of the Resolution Process, including the Title IX Coordinator, Investigators, and Decision-makers, may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigators, Decision-makers, and Appeal Decision-makers for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, the Parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member, or other trained individual, will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the College President.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a Policy violation, and evidence which supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

14) **Investigation Timeline**

Investigations are completed expeditiously, normally within sixty (60) days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

15) **Investigation Process Delays and Interactions with Law Enforcement**

Central Community College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or accommodations for disabilities or health conditions.

Central Community College will promptly resume Resolution Process as soon as feasible. During such a delay, Central Community College will implement and maintain supportive measures for the Parties as deemed appropriate.

Central Community College action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Central Community College will make a good faith effort to complete the Resolution Process as promptly as circumstances permit and will regularly communicate with the Parties to update them on the progress and timing of the process.

16) Investigative Process Steps

All investigations are thorough, reliable, impartial, prompt, and fair. They involve interviewing all relevant Parties and witnesses; obtaining relevant evidence, and identifying sources of expert information, as necessary.

After an interview, all Parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

Central Community College may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

The Investigators typically take the following steps, if not already completed and not necessarily in this order:

- Determine the identity and contact information of the Complainant.
- Identify all offenses implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated.
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial assessment to determine if the allegations indicate a potential Policy violation.
- Work with the Title IX Coordinator, as necessary, to prepare the initial NOIA. The NOIA may be amended with any additional or dismissed allegations.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.
- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible.
- Interview the Complainant and the Respondent and conduct any necessary follow-up interviews with each.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript or recording) of the relevant evidence/testimony from their respective interviews and meetings within 7 business days of the meeting.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and Document which questions were asked, with a rationale for any changes or omissions in the Investigation Report.
- When possible, promptly complete the investigation without unreasonable deviation from the intended timeline.
- Provide the Parties regular status updates throughout the investigation.
- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding.

- Write a Draft Investigation Report that gathers, assesses, and synthesizes the evidence accurately summarizes the investigation and party and witness interviews, and provides all relevant evidence.
- Provide the Parties and their respective Advisors an electronic or hard copy of the Draft Investigation Report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which Central Community College does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The Parties may elect to waive the full ten days.
- Incorporate any new, relevant evidence and information obtained through the Parties' review of the Draft Investigation Report and any follow-up meetings into the Final Investigation Report.
- Respond in writing (typically within the Final Investigation Report) to the relevant elements of the Parties' responses to the Draft Investigation Report and incorporate relevant elements of the Parties' written responses, additional relevant evidence, and any necessary revisions into the Final Investigation Report.
- The Investigators will incorporate relevant elements of the parties' written responses into
- The Investigators shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback.
- The Investigator will then provide the Title IX Coordinator with the Final Investigation Report and investigation file.

17) Role and Participation of Witnesses in the Investigation

Witnesses who are employees of Central Community College are strongly encouraged to cooperate with and participate in the investigation and resolution process. Student witnesses and witnesses from outside Central Community College community are encouraged to cooperate with Central Community College investigations and to share what they know about a Formal Complaint.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx), or, in limited circumstances, by telephone. Central Community College will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

18) Recording of Interviews

It is standard practice for Investigators to create a record of all interviews pertaining to the Resolution Process, by recording, transcript, or written summary. The Parties may review copies of their own interviews upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

All interviews are recorded, and all involved persons should be made aware of the audio and/or video recording. The recording and/or transcript of those meetings will be provided to the Parties for their review, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also recorded and/or transcribed and shared with the Parties.

19) **Evidentiary Considerations in the Investigation**

The Investigator(s) and the Decision-maker(s) will only consider evidence that is deemed relevant or directly related.

Relevant Evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

Neither the investigation does not consider: 1) questions or evidence about the Complainant's sexual predisposition; or (2) questions or evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct, or if the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the investigation and the hearing can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

20) **Referral for Hearing**

Provided that the Formal Complaint is not resolved through Informal Resolution, once the final investigation report is shared with the Parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the Parties and the Decision-maker—unless all Parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select appropriate Decision-makers from the Pool depending on whether the Respondent is an employee or a student.

21) **Hearing Panel/ Decision-maker Composition**

The Decision-maker will not have had any previous involvement with the Formal Complaint. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker in the matter but may serve as an administrative facilitator of the hearing if their previous role in the matter does not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Title IX Coordinator or designee.

22) **Additional Evidentiary Considerations in the Hearing**

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Each party may submit an impact and/or mitigation statement to the Title IX Coordinator that the Decision-maker will review during any sanction determination.

- Upon receipt of an impact and/or mitigation statement, the Title IX Coordinator will review the impact/mitigation statement to determine whether any immediate needs exist.
- The Title IX Coordinator will only provide the impact statements to the Decision-maker if the Decision-maker determines that the Policy has been violated. When the Title IX Coordinator shares the impact statements with the Decision-maker, they will also be shared with the Parties.

23)Hearing Notice

The Title IX Coordinator will send the Parties a Notice of Hearing no less than ten (10) days prior to the hearing. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice includes:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- Description of any technology that will be used to facilitate the hearing.
- Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigation Report, the Parties and witnesses participating in the hearing, the identity of the Decision-maker, details related to questioning, the role of Advisors, impact/mitigation statements, and how to request disability accommodations or other assistance.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and how the Parties can access the recording after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Decision-maker may reschedule the hearing.
- Notification that the Parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the College will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker about the Formal Complaint unless they have already been provided¹².
- An invitation to each party to submit an impact statement pre-hearing that the Decision-

¹² The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

makers will review during any sanction determination.

- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Informing Parties that they cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term, including during the summer, as needed, to meet the resolution timeline followed by Central Community to ensure a prompt resolution. Employees, including Parties and witnesses, who do not have 12-month contracts are still expected to participate in Resolution Processes that occur during months between contracts.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this policy is not in good standing to graduate.

24) Hearing Venue Options and Recording

The hearing may occur in person or via video technology. The Decision-maker and Parties must be able to simultaneously see and hear a party or witness while that person is speaking. Both options are considered fair and equitable. Alternative arrangements may also be made at the Title IX Coordinator's discretion.

- The Parties may make a request to the Title IX Coordinator that the hearing be held in person or via video technology, but they must do so at least three (3) business days prior to the hearing. The Title IX Coordinator retains discretion to determine whether the hearing will occur in person or via video technology.
- All hearings will be recorded, and Parties may request a copy of the recording from the Title IX Coordinator following the live hearing.

No unauthorized recordings are permitted.

25) Pre-Hearing Preparation

After any necessary consultation with the Parties, the Decision -maker will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the Parties at least ten (10) days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigators or have proffered a written statement or answered written questions unless all Parties and the Decision-maker assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the Parties and Decision-maker do not assent to the admission of evidence newly offered at the hearing, the Decision-maker will delay the hearing and instruct that the investigation needs to be re- opened to consider that evidence.

The Parties will be given Decision-maker's name(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than one

day prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the complaint.

The Title IX Coordinator will give the Decision-maker a list of the names of all Parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the Parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the Parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Decision-maker at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Decision-maker.

26) Pre-Hearing Meetings

The Decision-maker will offer a pre-hearing meeting with the Parties and their Advisors to invite them to submit the questions or topics they wish to ask or discuss at the hearing. This allows the Decision-maker to consider their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration on a Decision-maker's pre-hearing decision based on any new information or testimony offered at the hearing. The Decision-maker will document and share their rationale for any evidence or question exclusion or inclusion, if any, at this pre-hearing meeting with each party.

The Decision-maker will work with the Parties to finalize a witness list for the hearing, and the Title IX Coordinator will notify any witnesses of the hearing's logistics. The Decision-maker, **only** with the agreement of all Parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the Final Investigation Report or during the hearing, and their presence is not essential to assess their credibility.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that

The pre-hearing meeting will be recorded. The pre-hearing meetings will typically be conducted as separate meetings with each party/Advisor, and can be done remotely, or as a written communication exchange. The Decision-maker will work with the Parties to establish the format and timing of the meetings and will circulate a summary of any rulings made to ensure all Parties and Advisors are aware.

27) Hearing Procedures

At the hearing, the Decision-maker has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

The Decision-maker will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Decision-maker will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-makers and the Parties and will then be excused.

28) Joint Hearings

In Formal Complaints involving more than one Respondent and/or involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent or Complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each Complaint with respect to each alleged Policy violation.

29) Introductions and Hearing Procedure Explanation

The Decision-maker will explain the hearing procedures and introduce the participants. The Decision-maker will answer any procedural questions prior to and as they arise throughout the hearing.

30) Investigator Presents the Final Investigation Report

The Investigator(s) will present a summary of the Final Investigation Report, including a review of the facts that are contested and those that are not. The Investigator may be questioned first by the Decision-maker and then by the Parties through their Advisors. The Investigator may attend the duration of the hearing or be excused after their testimony at the Decision-maker's discretion.

31) Testimony and Questioning

The Parties and witnesses may provide relevant information in turn, beginning with the Complainant's opening statement and response to questions, followed by the Respondent's opening statement and response to questions. Witnesses will respond to questions in the order determined by the Decision-maker. The Decision-maker will facilitate questioning of the Parties and witnesses first by the Decision-maker and then by the Parties through their Advisors.

All questions are subject to the Decision-maker's relevance determination. The Advisor will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted). The proceeding will pause to allow the Decision-maker to consider the question (and state it if it has not already been stated aloud, and the Decision-maker will determine whether the question will be permitted, disallowed, or rephrased. The Decision-maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-maker will limit or disallow questions on the basis that they are irrelevant, unduly repetitious, or abusive and they have the final say on all questions and relevance determinations. The Decision-maker may consult with legal counsel on any questions of admissibility.

If the Parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Decision-maker may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Decision-maker should not permit irrelevant questions that probe for bias.

32) Refusal to Submit to Cross-Examination and Inferences

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing or they attend but refuse to participate in questioning. The Decision-maker can only rely upon the available, relevant evidence in making the ultimate determination of responsibility. The Decision-maker may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer any or all questions.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared.

33) Hearing Recordings

Hearings (but not deliberations) are recorded by Central Community College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-makers, the Parties, their Advisors, and other appropriate administrators of Central Community College will be permitted to review the recording or review a transcript of the recording upon request to the Title IX Coordinator. No unauthorized disclosure, including sharing, copying, or distribution of the recording or transcript, is permitted.

34) Deliberation, Decision-making, and Standard of Evidence

The Decision-maker will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The determination is made by applying the preponderance of the evidence standard of proof. The Decision-maker may invite the hearing facilitator to attend the deliberation, but the hearing facilitator does not weigh in on the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker may then consider the previously submitted party impact statements in determining appropriate sanctions.

The Title IX Coordinator will ensure that each of the Parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-makers may – at their discretion – consider the statements, but they are not binding.

The Decision-maker will review the statements and any pertinent conduct history provided by the Vice President of Human Resources or Vice President of Student Success and Enrollment Management (or designee) will determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Decision-maker will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination,

the evidence disregarded, credibility assessments, and any sanctions and rationales explaining the sanctions and will deliver the statement to the Title IX Coordinator.

This statement must be submitted to the Title IX Coordinator within three (3) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the Parties.

35) **Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Decision-maker to prepare a Notice of Outcome letter. The Title IX Coordinator will then share the letter, including the Final Determination, rationale, and any applicable sanction(s) with the Parties and their Advisors within 7 business days of receiving the Decision-makers' deliberation statement.

The Notice of Outcome will then be shared with the Parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official Central Community College records, or emailed to the Parties' Central Community College-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will identify the specific alleged policy(ies) violations, including the relevant policy section, and will contain a description of the procedural steps taken by Central Community College from the receipt of the misconduct report to the determination, including any and all notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent Central Community College is permitted to share such information under state or federal law; any sanctions issued which Central Community College is permitted to share according to federal or state law; and any remedies provided to the Complainant designed to ensure access to Central Community College's educational or employment program or activity.

The Notice of Outcome will also include information on when the results are considered by Central Community College to be final, will note any changes to the outcome and/or sanctions that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

36) **Statement of the Parties Rights (See Appendix B)**

37) **Sanctions**

Factors the Decision-maker may consider when determining sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- 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
- The impact on the Parties
- The Respondent's acceptance of responsibility
- Any other information deemed relevant by the Decision-maker

The sanctions will be implemented as soon as is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities.

a. Student Sanctions [Example]

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination¹³:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any Central Community College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either Central Community College-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *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 as a student at Central Community College. [insert transcript notation here if applicable].
- *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Central Community College-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript, [subject to any applicable expungement policies.]
- *Withholding Diploma*: Central Community 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 an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*: Central Community College reserves the right to revoke a degree previously awarded from Central Community College for fraud, misrepresentation, and/or other violation of Central Community College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.

¹³ Subject to Central Community College's Employee and Student Code of Conduct/Policies.

- *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including Central Community College registration) for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, Central Community College may assign any other sanctions as deemed appropriate.

b. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Warning – Verbal or Written*
- *Opportunity for Improvement Plan*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

38) Withdrawal or Resignation While Charges Pending

Students: If a student has an allegation pending for violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination, Central Community College may place a hold on a student’s ability to graduate and/or to receive an official transcript/diploma.

Should a Respondent decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraw from Central Community College, the resolution process ends, as the College no longer has disciplinary jurisdiction over the withdrawn student.

However, Central Community College will continue to provide reasonable supportive or remedial measures to the Complainant and continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to Central Community College. Such exclusion applies to all campuses of Central Community College. A hold will be placed on their ability to be readmitted. They may also be barred from Central Community College property and/or events.

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

During the resolution process, Central Community College may put a hold on a responding student’s transcript or place a notation on a responding student’s transcript that a disciplinary matter is pending.

Employees: Should an employee Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent leaves their employment with Central Community College with unresolved allegations pending, the Resolution Process typically ends with dismissal, as Central Community College no longer has disciplinary jurisdiction over the former employee. However, Central Community College may continue the Resolution Process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the complaint is dismissed or pursued to completion of the Resolution Process, Central Community College will still provide reasonable supportive or remedial measures to the Complainant and continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation

When an employee resigned and the Complaint is dismissed, the employee may not return to Central Community College or any campus of Central Community College in any capacity. The Office of Admission and Human Resources will be notified, accordingly. A note will be placed in the employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with Central Community College or any campus of Central Community College. , The records retained by the Title IX Coordinator and Human Resources Department will reflect that status.

39) Appeal of the Determinations

The Title IX Coordinator will designate an Appeal Decision-maker – either a three-member panel or an individual chosen from the Pool, or other trained internal or external individuals, to hear the appeal. The Appeal Decision-maker will not have been previously involved in the Resolution Process for the Formal Complaint. If a panel is used, a voting chair will be designated by the Title IX Coordinator.

a. Appeal Grounds

Appeals are limited to the following grounds:

- (A) A procedural irregularity that affected the outcome of the matter;
- (B) There is new evidence that was not reasonably available at the time the determination regarding responsibility was made that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, Investigators, or Decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

b. Request for Appeal

Any party may submit a written request for appeal (“Request for Appeal”) to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This is

not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Decision-maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Decision-maker will be provided a copy of the Request for Appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Decision-maker will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Decision-maker to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

c. Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by majority vote and apply the preponderance of the evidence standard of evidence.

An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s).

The Appeal Decision-maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

d. Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker with corrective

instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the Title IX Coordinator (as in cases of bias), the Appeal Decision-maker may order a new investigation and/or a new determination with new Pool members serving in the Investigator and Decision-maker roles.

A Notice of Appeal Outcome letter (“Appeal Outcome”) will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which Central Community College is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent Central Community College is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties’ local or permanent address as indicated in official institutional records, or emailed to the Parties’ Central Community College -issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the available appeal grounds.

e. Sanction Status During the Appeal

Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal and interim suspension procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within two (2) days of implementation.

Central Community College may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

40) Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented or Informal Resolution Terms, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the Parties and/or the campus community that are intended to stop the discrimination, harassment, and/or retaliation, remedy the effects, and prevent recurrence.

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

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the Parties even if no Policy violation is found.

When no Policy violation is found, the Title IX Coordinator will address any remedies owed by Central Community College to the Respondent to ensure no effective denial of educational access.

Central Community College will maintain confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair the College's ability to provide these services.

41) **Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions**

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified by the final Decision-maker, including the Appeal Decision-maker or the Informal Resolution agreement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Central Community College and may be noted on a student's official transcript.

Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Title IX Coordinator's satisfaction.

42) **Recordkeeping**

For a period of at least seven (7) years following the conclusion of the Resolution Process, Central Community College will maintain records of:

1. Each discrimination, harassment, and retaliation resolution process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation.

2. Any disciplinary sanctions imposed on the Respondent.
3. Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to Central Community College's education program or activity.
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, Appeal Decision-makers, Informal Resolution Facilitators, and any person who is responsible for implementing Central Community College's Informal Resolution process. Central Community College will make these training materials publicly available on Central Community College's website.
7. Any other actions taken in response to a report or Formal Complaint including:
 - a. The basis for all conclusions that the response was not deliberately indifferent;
 - b. Any measures designed to restore or preserve equal access to Central Community College's education program or activity; and

Central Community College will also maintain any and all records in accordance with federal and state laws.

43) Accommodations and Support During the Resolution Process

Central Community College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to Central Community College's resolution process.

Anyone needing such accommodations or support should contact the Title IX Coordinator who will work with the Director of Disability Services or ADA/504 Coordinator to review the request and, in consultation with the person requesting the accommodation determine which accommodations are appropriate and necessary for full process participation.

Other Support

Central Community College will also address reasonable requests for support for the Parties and witnesses, including:

- Language services/Interpreters
- Access and training regarding use of technology throughout the Resolution Process
- Other support as deemed reasonable and necessary to facilitate participation in the Resolution Process

44) Revision of this Policy and Procedures

This Policy and procedures supersede any previous policies addressing discrimination, harassment, sexual misconduct, and/or retaliation for incidents occurring on or after August 14, 2020. The Title IX Coordinator will regularly review and update the Policy and procedures. Central Community College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If governing laws or regulations change, or court decisions alter, the requirements in a way that impacts

this document, this document will be construed to comply with the most recent laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background federal and state laws which frame such policies and codes, generally.

The 2024 Title IX regulations are subject to ongoing legal challenges. As a result, there may be a need for Central Community College to switch between different policies and procedures based on court orders in the future. If this happens, Central Community College will notify the community, and revisions will be clearly posted on the [Title IX website](#).

A change required by a court could occur during an active investigation or Resolution Process. If that happens, Central Community College will adjust its policy and procedures accordingly, and notify the Parties of any necessary mid-process changes. This could include entirely replacing the Policy procedures, which could necessitate restarting an investigation or Resolution Process. Central Community College will make every effort to prevent such disruptions to minimize the impact on the Parties as much as possible if changes are unavoidable.

This Policy and procedures are effective <<date>

PROCESS B

- Process B is applicable when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed.
- If Process A is applicable, Process A must be applied in lieu of Process B. This determination is made by the Title IX Coordinator.

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION POLICY “PROCESS B”

Central Community College will act on any formal notice/complaint of violation of the Equal Opportunity, Harassment and Nondiscrimination policy that the Title IX Coordinator or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the procedure above.

The procedures described below apply to all allegations of discrimination, harassment, and/or retaliation involving students, staff, faculty members, or third parties.

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with discriminatory, harassing, or retaliatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective Student Code of Conduct or other employee procedures.

1. Initial Assessment

The Title IX Coordinator conducts an initial assessment, typically within five (5) business days of receiving Notice or a complaint. The initial assessment typically includes:

- Assessing whether the reported conduct may reasonably constitute a Policy violation.
 - If the conduct may not reasonably constitute a Policy violation, it may then be referred to another process, if applicable.
- Determining whether Central Community College has jurisdiction over the reported conduct, as defined in the Policy.
 - If the conduct is not within Central Community College’s jurisdiction under the Policy, the conduct will be referred to the appropriate Central Community College office for resolution.
- Offering and coordinating supportive measures for the Complainant.
- Offering and coordinating supportive measures for the Respondent, as applicable.
- Determining whether the Complainant wishes to file a complaint.
- Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options, including a supportive and remedial response, and Informal Resolution option, or the Administrative Resolution Process described below.
- Notifying the Respondent of the available resolution options, including supportive and remedial response, and Informal Resolution option, or the Administrative Resolution Process described below, if a complaint is made.

/

Helping a Complainant to Understand Resolution Options

If the Complainant indicates they wish to file a complaint, the Title IX Coordinator will help to facilitate the complaint, which will include working with the Complainant to determine whether the Complainant wishes to pursue one of three resolution options:

- A supportive and remedial response, and/or
- Informal Resolution, or
- The Administrative Resolution Process described below.

The Title IX Coordinator will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If the Complainant elects for the Administrative Resolution Process below, and the Title IX Coordinator has determined the Policy applies and that Central Community College has jurisdiction, they will route the matter to the appropriate Pool member, will provide the Parties with a Notice of Investigation and Allegation(s), and will initiate an investigation consistent with these procedures.

If any party indicates (either verbally or in writing) that they want to pursue an Informal Resolution option, the Title IX Coordinator will assess whether the matter is suitable for Informal Resolution and, if the other party(ies) consent to pursuing Informal Resolution, will refer the matter accordingly.

If the Complainant indicates (either verbally or in writing) that they do not want any action taken, no Resolution Process will be initiated (unless deemed necessary by the Title IX Coordinator, though the Complainant can elect to initiate one later, if desired).

Title IX Coordinator Authority to Initiate a Complaint

If the Complainant does not wish to file a complaint, the Title IX Coordinator, who has ultimate discretion as to whether a complaint is signed, will offer supportive measures and determine whether to sign a complaint themselves. To make this determination, the Title IX Coordinator will evaluate that request to determine if there is a serious and immediate threat to someone's safety or if Central Community College cannot ensure equal access without signing a complaint. The Title IX Coordinator will consider the following non-exhaustive factors to determine whether to file a complaint:

- The Complainant's request not to initiate a complaint.
- The Complainant's reasonable safety concerns regarding signing a complaint.
- The risk that additional acts of discrimination would occur if a complaint is not filed.
- The severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence.
- The age and relationship of the Parties, including whether the Respondent is a Central Community College employee.
- The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals.
- The availability of evidence to assist a Decision-maker in determining whether discrimination occurred.
- Whether Central Community College could end the alleged discrimination and prevent its recurrence without initiating its resolution process.

If deemed necessary, the Title IX Coordinator may consult with appropriate Central Community College employees, and/or conduct a violence risk assessment¹⁴ to aid their determination whether to sign a complaint.

When the Title IX Coordinator signs a complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of the Policy.

If alleged misconduct does not fall within the scope of the Title IX regulations, the Title IX Coordinator determines that the regulations do not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which Resolution Process is applicable, and will refer the matter accordingly. Please note that dismissing a complaint under the 2020 Title IX regulations is solely a procedural requirement under Title IX, which does not limit Central Community College’s authority to address a complaint with an appropriate process and remedies.

¹⁴ See detailed information regarding Violence Risk Assessment in [Appendix G](#).

The investigation and the subsequent Administrative Resolution determine whether the Respondent violated the Equal Opportunity, Harassment, and Nondiscrimination Policy. If so, the College will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the Parties' preference but is ultimately determined at the Title IX Coordinator's discretion. If at any point during the initial assessment or formal investigation the Title IX Coordinator determines that reasonable cause does not support the conclusion that the Respondent violated the Policy, the process will end, and the Parties will be notified.

The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

2. Resolution Process Pool

The Resolution Process relies on a pool of individuals (the "Pool") for implementation.

A. Pool Member Roles

Members of the Pool are trained annually in all aspects of the Administrative Resolution Process and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- Appropriate intake of and initial guidance pertaining to complaints
- Perform or assist with initial assessment
- Advisor to Parties
- Informal Resolution Facilitator
- Investigator
- Decision-maker
- Appeal Decision-maker

B. Pool Member Appointment

The Title IX Coordinator, in consultation with senior administrators as necessary, appoints the Pool, which acts with independence and impartiality.¹⁵ Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different complaints, Central Community College can also designate permanent roles for individuals in the Pool.

C. Pool Member Training

The Pool members receive annual trainings both as a group and independently related to their respective roles. This training may include, but is not limited to:

- The scope of the College's Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures
- Central Community College's Administrative Resolution Process

¹⁵ External, trained third-party neutral professionals may also be used to serve in Pool roles.

- How to conduct investigations that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias and confirmation bias
- Disparate treatment
- Disparate impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, timely, and impartial manner
- Trauma-informed practices pertaining to investigations and resolution processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all prohibited conduct
- How to apply definitions used by the institution with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including making findings, appeals, and Informal Resolution Processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of discrimination, harassment, retaliation, and/or Other Prohibited Conduct violations
- Recordkeeping

3. Counter-Complaints

Central Community College is obligated to ensure that the grievance process is not abused for retaliatory purposes. Although Central Community College permits the filing of counter-complaints, the Title IX Coordinator will use an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. When counter-complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a Policy violation.

Counter-complaints determined to have been reported in good faith will be processed using the Administrative Resolution Process below. At the Title IX Coordinator's discretion, investigation of such claims may take place after resolution of the underlying initial complaint.

4. Advisors in the Administrative Resolution Process

The Parties may each have an Advisor of their choice present with them for all meetings and interviews

within the Administrative Resolution Process, if they so choose.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-maker.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

A. Advisor Expectations

Central Community College generally expects an Advisor to adjust their schedule to allow them to attend College meetings/interviews when planned, but Central Community College may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot be present to attend a meeting/interview by telephone, video conferencing, or other similar technologies as may be convenient and available.

All Advisors are subject to the same Central Community College policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by Central Community College. Advisors are expected to advise without disrupting proceedings.

B. Role in the Administrative Resolution Process

Advisors should help the Parties to prepare for each meeting or hearing and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to respond to questions on their own behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

For parties who are entitled to union representation, the College will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors in these cases. Witnesses are not permitted to have union representation or Advisors in grievance process interviews or meetings.

5. Resolution Options Overview

The Administrative Resolution Process is Central Community College's primary resolution approach unless all Parties and Central Community College agree to an Informal Resolution. The process considers the Parties' preferences but is ultimately determined at the Title IX Coordinator's discretion.

Resolution proceedings are private. All persons present at any time during the Resolution Process are expected to maintain the privacy of the proceedings in accordance with Central Community College Policy.

Although there is an expectation of privacy around what Investigators share with Parties during interviews, the Parties have discretion to share their own knowledge and evidence with others if they so choose, except for information the Parties agree not to disclose as part of an Informal Resolution. Central Community College encourages Parties to discuss any sharing of information with their Advisors before doing so.

A. Informal Resolution

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a Final Determination, or the Title IX Coordinator may offer the option to the Parties. Central Community College will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

Three approaches to Informal Resolution are detailed in this section.

- 1) **Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation.
- 2) **Accepted Responsibility.** When the Respondent accepts responsibility for violating Policy and accepts the recommended sanction(s), and the Complainant(s) and Central Community College are agreeable to the resolution terms.
- 3) **Alternative Resolution.** When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.), as described below.

It is not necessary to pursue Informal Resolution first in order to pursue an Administrative Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Administrative Resolution Process.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in the Administrative Resolution Process, should Informal Resolution not be successful, unless agreed to by all Parties.

If an investigation is already underway, the Title IX Coordinator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

Prior to implementing Informal Resolution, Central Community College will provide the Parties with written notice of the reported misconduct and any sanctions (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Central Community College.

Informal Resolution Approaches

1) Supportive Resolution

The Title IX Coordinator will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant's access to Central Community College's education program and activity. Such measures can be modified as the Complainant's needs evolve over time or circumstances change. The Title IX Coordinator may also provide reasonable supportive measures for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage the other resolution options, and the Title IX Coordinator does not sign a complaint.

2) Accepted Responsibility

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Administrative Resolution Process. If the Respondent indicates an intent to accept responsibility for **all** alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator will determine whether Informal Resolution is an option.

If Informal Resolution is available, the Title IX Coordinator will determine whether all Parties and Central Community College are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Central Community College Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate administrator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Administrative Resolution Process will either begin or resume.¹⁶

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the discrimination or harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

3) Alternative Resolution

The institution offers a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Title IX Coordinator or other appropriate Central Community College officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact

¹⁶ The Parties may not want discussions that take place within Informal Resolution to be admissible in a later Resolution Process, but essential facts must and do transfer from the informal process to subsequent resolution proceedings. Disclosing something in an informal setting to shield it from formal admissibility is a cynical strategy, so administrators should take care in determining the terms of any assurances of the confidentiality of the Informal Resolution.

during an alternative resolution process.

The Title IX Coordinator may consider the following factors to assess whether alternative resolution is appropriate, or which form of alternative resolution may be most successful for the Parties:

- The Parties' amenability to alternative resolution
- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Civility of the Parties
- Results of a violence risk assessment/ongoing risk analysis
- Respondent's disciplinary history
- Whether interim action is needed
- Skill of the alternative resolution facilitator with this type of Complaint
- Complaint complexity
- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties
- Adequate resources to invest in alternative resolution (e.g., time, staff)

The Title IX Coordinator has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Title IX Coordinator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

The Title IX Coordinator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Administrative Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). The results of Complaints resolved by alternative resolution are not appealable.

If an Informal Resolution option is not available or selected, Central Community College will initiate or continue an investigation and subsequent Administrative Resolution Process to determine whether the Policy has been violated.

B. Administrative Resolution Process

Administrative Resolution can be pursued at any time during the process for any behavior for which the Respondent has not accepted responsibility that would constitute conduct covered by the Equal

Opportunity, Harassment, and Nondiscrimination Policy if proven. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator will provide notification of the investigation to the Parties at an appropriate time during the investigation. Typically, notice is given two (2) days in advance of an interview. Advanced notice facilitates the Parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Written notification will include a meaningful summary of the allegations and the policies alleged to have been violated and may be delivered by one or more of the following methods: in person, mailed to the Parties local or permanent address as indicated in official College records, or emailed to the Parties' College-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The College aims to complete all investigations within a sixty (60) business-day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator as necessary for appropriate cause. Investigations can take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Once an investigation is initiated, the Title IX Coordinator appoints an Investigator(s) to conduct it. These Investigators may be members of the Pool, or any other properly trained Investigator, whether internal or external to Central Community College's community.

Central Community College will make a good faith effort to complete the investigation as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the investigation.

The College may undertake a short delay in its investigation (several days to weeks) if circumstances require. Such circumstances include, but are not limited to, a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. Central Community College will promptly resume its Resolution Process as soon as feasible. During such a delay, Central Community College will implement and maintain supportive measures for the Parties as deemed appropriate.

The college's action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All investigations are thorough, reliable, impartial, prompt, and fair. They involve interviewing all available, relevant Parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

6. Investigation

The Investigator(s) typically take the following steps, if not already completed and not necessarily in this order:

- Determine the identity and contact information of the Complainant
- Identify all offenses implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated.
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- Work with the Title IX Coordinator, as necessary, to prepare the initial NOIA. The NOIA may be amended with any additional or dismissed allegations.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.
- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Interview the Complainant and the Respondent and conduct any necessary follow-up interviews with each.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript or recording) of the relevant evidence/testimony from their respective interviews and meetings.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document which questions were asked with a rationale for any changes or omissions in the Investigation Report.
- When possible, promptly complete the investigation without unreasonable deviation from the intended timeline.
- Provide the Parties regular status updates throughout the investigation.
- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding.
- Write a Draft Investigation Report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation and party and witness interviews, and provides all relevant evidence.
- Provide the Parties and their respective Advisors an electronic or hard copy of the Draft Investigation Report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which Central Community College does not intend to rely in reaching a determination, for a ten (10) day review and comment period so that each party may meaningfully respond to the evidence. The Parties may elect to waive the full ten (10) days.
- The Investigator will then share the Final Investigation Report with the Title IX Coordinator and/or legal counsel for their review and feedback.
- The Investigator will then provide the Title IX Coordinator with the Final Investigation Report and investigation file with:
 - Include a recommended determination of whether each alleged Policy violation occurred by applying the preponderance of the evidence standard.

7. Determination

Within 3-5 days of receiving the Investigator's Final Investigation Report, the Title IX Coordinator or a Decision-maker from the Pool reviews the report and all responses, and then makes the final determination on the basis of the preponderance of the evidence.

If the record is incomplete, the Title IX Coordinator/Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the Parties or any witnesses, if needed.

The Investigator's recommendation, if any, should be strongly considered but is not binding on the Decision-Maker. The Decision-maker may invite and consider impact and/or mitigation statements from the Parties if and when determining appropriate sanction(s), if any.

8. Additional Details of the Investigation Process

A. Witness Responsibilities

Witnesses who are Central Community College employees are strongly encouraged to cooperate with and participate in Central Community College's investigation and Resolution Process. Student witnesses and witnesses from outside Central Community College community are encouraged to cooperate with Central Community College investigations and to share what they know about a complaint.

B. Remote Processes

Parties and/or witnesses interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx), or, in limited circumstances, by telephone. Central Community College will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

C. Recording

It is standard practice for Investigators to create a record of all interviews pertaining to the Resolution Process, by recording, transcript, or written summary. The Parties may review copies of their own interviews upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

All interviews are recorded, and all involved persons should be made aware of the audio and/or video recording. The recording and/or transcript of those meetings will be provided to the Parties for their review, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also recorded and/or transcribed and shared with the Parties.

D. Evidence

Any evidence that is relevant and credible may be considered, including an individual's prior disciplinary history as well as evidence indicating a pattern of misconduct. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

E. Prior Sexual History/Patterns

Unless the Decision-maker determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation(s), unless they evidence a pattern; (2) the irrelevant sexual history of the Parties (though there may be a limited exception made with regard to the sexual history between the Parties); (3) irrelevant character evidence.

F. Previous Allegations/Violations

Although previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Decision-maker with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s).

Character witnesses or evidence may be offered. The Decision-maker will determine if the character evidence is relevant. If so, it may be considered. If not, it will be excluded.

G. Notification of Outcome

If the Respondent admits to the violation(s), or is found in violation, the Decision Maker [in consultation with other administrators as appropriate] determines sanction(s) and/or responsive actions, which are promptly implemented in order to effectively to stop the discrimination, harassment, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The Title IX Coordinator provides the Parties written notice of the determination within 5 days of the resolution, ideally simultaneously, but without significant time delay between notifications. Notifications may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official College records, or emailed to the Parties' College-issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged procedure violation, any sanction(s) that may result which the College is permitted to share pursuant to federal or state law, and the rationale supporting the findings to the extent the College is permitted to share under federal or state law.

The notice will detail when the determination is considered final and will detail any changes that are made prior to finalization.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the Parties may appeal and the steps the Parties may take to request an appeal of the determination.

9. Sanctions

Factors the Decision-maker may consider when determining sanctions and responsive action include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- 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
- The impact on the Parties
- The Respondent's acceptance of responsibility
- Any other information deemed relevant by the Title IX Coordinator/Decision-maker

The sanction(s) will be implemented as soon as is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

The sanctions described in this procedure are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

A. Student Sanctions

The following are the common sanctions⁴¹⁷ that may be imposed upon students singly or in combination:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *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 as a student at the institution. Students placed on suspension could be subject to notation on their transcript at the Title IX Coordinators discretion and based upon the policy(ies) found to have been violated.
- *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript.
- *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 as a sanction if the

¹⁷ Central Community College policies on transcript notation will apply to these proceedings.

student is found responsible for an alleged violation.

- *Revocation of Degree:* The College reserves the right to revoke a degree previously awarded from the College for fraud, misrepresentation, and/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.
- *Other Actions:* In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

B. Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in discrimination, harassment, retaliation, and/or Other Protected Conduct include:

- *Verbal or Written Warning*
- *Performance Improvement Plan/Management Process*
- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Assignment to New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension with Pay*
- *Suspension without Pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.

10. Withdrawal or Resignation Before Complaint Resolution

Students

The College does not permit a student to withdraw if that student has pending allegation(s) for violation of the Equal Opportunity, Harassment, and Nondiscrimination Policy. The College may place a hold, bar access to an official transcript, and/or prohibit graduation as necessary to permit the Resolution Process to be completed when deemed appropriate.

Employees

Should an employee Respondent leave their employment with Central Community College with unresolved allegations pending, the Title IX Coordinator's records will reflect that status, and any College responses to future inquiries regarding employment references for that individual will include the former employee's unresolved status and whether the employee is eligible for rehire.

11. Appeals

The Title IX Coordinator will designate an Appeal Decision-maker – either a three-member panel or an individual chosen from the Pool, or other trained internal or external individuals, to hear the appeal. The Appeal Decision-maker will not have been previously involved in the Resolution Process for the Formal Complaint. If a panel is used, a voting chair will be designated by the Title IX Coordinator.

A. Appeal Grounds

Appeals are limited to the following grounds:

- 1) A procedural irregularity affected the outcome of the matter.
- 2) There is new evidence that was not reasonably available at the time the determination regarding responsibility was made that could affect the outcome of the matter.
- 3) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

B. Request for Appeal

Any party may submit a written request for appeal (“Request for Appeal”) to the Title IX Coordinator within three (3) days of the delivery of the Notice of Outcome.

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Decision-maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Decision-maker will be provided a copy of the Request for Appeal with the approved grounds and then be given five (5) days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Decision-maker will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Decision-maker to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses, if any, within five (5) days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved

appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

C. Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by majority vote and apply the preponderance of the evidence standard of evidence.

An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s).

The Appeal Decision-maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

D. Appeal Outcomes

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the Title IX Coordinator (as in cases of bias), the Appeal Decision-maker may order a new investigation and/or a new determination with new Pool members serving in the Investigator and Decision-maker roles.

A Notice of Appeal Outcome letter (“Appeal Outcome”) will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which Central Community College is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent Central Community College is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties’ local or permanent address as indicated in official institutional records, or emailed to the Parties’ College-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new

determination can be appealed, once, on any of the available appeal grounds.

12. Long-Term Remedies/Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented or Informal Resolution Terms, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the Parties and/or the campus community to stop the discrimination, harassment, and/or retaliation; remedy the effects, and prevent its recurrence.

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

- Referral to counseling
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawal
- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Procedure modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the Title IX Coordinator's discretion, long-term support may also be provided to the Parties even if no procedure violation is found. When no policy violation is found, the Title IX Coordinator will address any remedial requirements owed by the College to the Respondent to ensure no effective denial of educational access.

Central Community College will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair Central Community College's ability to provide these services.

13. Failure to Complete Sanctions and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified by the final Decision-maker, including the Appeal Decision-maker or the Informal Resolution agreement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Central Community College.

Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Title IX Coordinator's satisfaction.

14. Recordkeeping

In implementing this policy, the Title IX Coordinator will maintain records of all allegations, investigations, and resolutions for a minimum of 7 years.

15. Statement of the Parties Rights (See Appendix B)

16. Accommodations and Support During the Resolution Process

Central Community College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's Resolution Process.

Anyone needing such accommodations or support should contact the Title IX Coordinator, who will work with the Director of Disability/Access Services as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation.

Other Support

Central Community College will also address reasonable requests for support for the Parties and witnesses, including:

- Language services/Interpreters
- Access and training regarding use of technology throughout the Resolution Process

Revision

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary and once those changes are approved by college leadership and/or posted online, they are in effect.

The Title IX Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator may also vary procedures materially with notice (on the College website, with the appropriate effective date 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 the resolution will apply to resolution of incidents, regardless of when the incident occurred, or report was initiated.

Procedure in effect at the time of the offense will apply even if the procedure is changed subsequently but prior to resolution unless the Parties consent to be bound by the current procedure.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background

state and federal laws that frame such policies and codes, generally.

This policy and procedures were approved in December of 2025.

APPENDIX A: POLICY EXAMPLES

Some examples of possible sexual harassment include:

- An instructor offers for a student to have sex or go on a date with them in exchange for a good grade. This constitutes sexual harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends graphic, sexually oriented jokes and pictures around campus via social media to hundreds of other students. Many don't find it funny and ask them to stop, but they do not. Because of these jokes, one student avoids the sender on campus and in the residence hall in which they both live, eventually asking to move to a different building and dropping a class they had together.
- An instructor engages students in class in discussions about the students' past sexual experiences, yet the conversations are not in any way germane to the subject matter of the class. The professor inquires about explicit details and demands that students answer them, though the students are clearly uncomfortable and hesitant.
- An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort and frustration of the former partner, turning the former partner into a social pariah on campus.
- Chris has recently transitioned from male to non-binary, but primarily expresses as a female. Since their transition, Chris has noticed that their English instructor, Dr. Mukembo, pays them a lot more attention. Chris is sexually attracted to Dr. Mukembo and believes the attraction is mutual. Chris decides to act on the attraction. One day, Chris visits Dr. Mukembo during office hours, and after a long conversation about being non-binary, Chris kisses Dr. Mukembo. Dr. Mukembo is taken aback, stops the kiss, and tells Chris not to do that. Dr. Mukembo explains to Chris that they are not interested in Chris sexually or romantically. Chris takes it hard, crying to Dr. Mukembo about how hard it is to find someone who is interested in them now based on their identity. Dr. Mukembo feels sorry for Chris and softens the blow by telling them that no matter whether they like Chris or not, faculty-student relationships are prohibited by the college. Chris takes this as encouragement. One night, Chris goes to a gay bar some distance from campus and sees Dr. Mukembo at the bar. Chris tries to buy Dr. Mukembo a drink and, again, tries to kiss Dr. Mukembo. Dr. Mukembo leaves the bar abruptly. The next day, Chris makes several online posts that out Dr. Mukembo as gay and raise questions about whether they are sexually involved with students. Dr. Mukembo contacts the Title IX Office and alleges that Chris is sexually harassing him.

Examples of Stalking

- Students A and B were friends with benefits. Student A wanted a more serious relationship, which caused student B to break it off. Student A could not let go, and pursued student B relentlessly. Student B obtained a campus no-contact order. Subsequently, Student B discovered their social media accounts were being accessed, and things were being posted and messaged as if they were from them, but they were not. Whoever accessed their account posted a picture of a penis, making it look as if they had sent out a picture of themselves, though it was not their

penis. This caused them considerable embarrassment and social anxiety. They changed their passwords, only to have it happen again. Seeking help from the Title IX Coordinator, Student B met with the IT department, which discovered an app on their phone and a keystroke recorder on their laptop, both of which were being used to transmit their data to a third party.

- A student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the student thanked the other student and stated that it was not necessary and would appreciate it if the gift deliveries stopped. The student then started leaving notes of love and gratitude on the tutor's car, both on-campus and at home. Asked again to stop, the student stated by email, "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. If I can't have you, no one will."

Examples of Sexual Assault:

- Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00 p.m. until 3:00 a.m., Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. Despite her clear communications that she is not interested in doing anything sexual with him, Bill keeps at her, questions her religious convictions, and accuses her of being "a prude." He brings up several rumors that he has heard about how she performed oral sex on a number of other guys. Finally, it seems to Bill that her resolve is weakening, and he convinces her to "jerk him off" (hand to genital contact). Amanda would have never done it but for Bill's incessant advances. He feels that he successfully seduced her and that she wanted to do it all along but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn't want it, she could have left.
- Jiang is a junior. Beth is a sophomore. Jiang comes to Beth's residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, soon become more intimate, and start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a babysitter at the age of five and avoids sexual relations as a result, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses, and begins to have intercourse with Beth, Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop but cannot. Beth is stiff and unresponsive during the intercourse.
- Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it's a lot. After the party, he walks John to his apartment, and John comes on to Kevin, initiating sexual activity. Kevin asks John if he is really up to this, and John says yes. They remove each other's clothes, and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that John seems pretty groggy and passive, and he thinks John may have even passed out briefly during the sex, but he came to again. When Kevin runs into John the

next day, he thanks him for the great night. John remembers nothing and decides to make a report to the Dean.

Examples of Retaliation:

- Student-athlete A alleges sexual harassment by a coach; the coach subsequently cuts the student-athlete's playing time without a legitimate justification.
- A student from Organization A participates in a sexual misconduct investigation as a witness whose testimony is damaging to the Respondent, who is also a member of Organization A; the student is subsequently removed as a member of Organization A because of their participation in the investigation.

APPENDIX B: STATEMENT OF THE PARTIES' RIGHTS

Under this Policy and procedures, the Parties have the right to:

- An equitable investigation and resolution of all credible allegations of prohibited discrimination, harassment, retaliation, and Other Prohibited Conduct, when reported in good faith to Central Community College officials.
- Timely written notice of all alleged violations, including the identity of the Parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated Policies and procedures, and possible sanctions.
- Timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Formal Complainants) by updating the Notice of Investigation and Allegation(s) (NOIA) as needed to clarify potentially implicated Policy violations. Be informed in advance of any Central Community College public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- Have all personally identifiable information protected from Central Community College's release to the public without consent, except to the extent permitted by law.
- Be treated with respect by Central Community College officials.
- Have Central Community College Policies and procedures followed without material deviation.
- Voluntarily agree to resolve allegations under this Policy through Informal Resolution without Central Community College pressure, if Informal Resolution is approved by the Title IX Coordinator.
- 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 Central Community College officials from reporting discrimination, harassment, retaliation, and Other Prohibited Conduct to both on-campus and off-campus authorities.
- Be informed by Central Community College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Central Community College authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- Have Central Community College law enforcement and/or other Central Community College officials policy responded to promptly to alleged Policy violations.
- Be informed of available interim actions and supportive measures, such as counseling, advocacy, health care, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.

- A Central Community College-implemented no contact order when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.
 - Be informed of available assistance in changing academic, living, and/or employment situations after an alleged incident of discrimination, harassment, retaliation, and/or Other Prohibited Conduct if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Relocating a residential student's housing to a different on-campus location
 - Assistance from Central Community College staff in completing the relocation
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation accommodations
 - Visa/immigration assistance
 - Arranging to dissolve a housing contract and a pro-rated refund
 - Rescheduling or adjusting an exam, paper, and/or assignment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options.
- Have Central Community College maintain supportive measures for as long as necessary, ensuring they remain confidential, provided confidentiality does not impair Central Community College's ability to provide the supportive measures or comply with the law.
- Receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- Identify and have the Investigator(s), Advisors, and/or Decision-maker question relevant available witnesses, including expert witnesses.
- Provide the Investigator(s)/Decision-maker with a list of questions that, if deemed relevant by the Investigator(s)/Decision-maker, may be asked of any party or witness.
- Have Complainant's inadmissible prior sexual history or any party's irrelevant character evidence excluded by the Decision-maker.
- Review the relevant and directly related evidence obtained and to respond to that evidence.
- A fair opportunity to provide the Investigators with their account of the alleged misconduct and have that account be on the record.
- Receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by federal and state law, prior to the hearing, and the right to have at least ten (10) days to review the report prior to the hearing.

- Receive a copy of The Final Investigation Report, including all factual, Policy, and or credibility analyses performed, and to have at least ten (10) days to review and comment on the report prior to the hearing.
- Be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- Regular status updates on investigation and/or Resolution Process.
- Have reports of alleged policy violations addressed by Pool members, or others, who have received at least 8 hours of relevant annual training as required by law.
- A Decision-making panel that is not single sex in its composition, if a panel is used.
- Preservation of confidentiality/privacy, to the extent possible and permitted by law.
- Meetings, interviews, and/or hearings that are closed to the public.
- Petition that any Central Community College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- Be able to select an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- Apply the preponderance of the evidence standard to making a Finding and Final Determination after an objective evaluation of all relevant evidence.
- Be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- Have an impact statement considered by the Decision-maker following a determination of responsibility for any allegation, but prior to sanctioning.
- Be promptly informed of the Resolution Process finding(s) and sanction(s) (if any) and be given a detailed rationale for the decision (including an explanation of how credibility was assessed), in a written outcome letter delivered to the Parties simultaneously (without undue delay).
- Be informed in writing of when a decision by Central Community College is considered final and any changes to the Final Determination or sanction(s) that occur post outcome letter.
- Be informed of the opportunity to appeal the Resolution Process finding(s) and sanction(s) and the procedures for doing so in accordance with Central Community College grounds for appeal.
- A fundamentally fair resolution as defined in these procedures.