

Procedure: Discrimination, Harassment, and Sexual Violence (AP-047) (Policy and Procedures Addressing Discrimination, Harassment, and Sexual Violence)

Contact: Title IX Coordinator (Lead), Ext. 7238
Deputy Title IX Coordinator (Employees), Ext. 7017
Deputy Title IX Coordinator (Students), Ext. 7632

I. POLICY

Rogue Community College (RCC or the College) is committed to the most fundamental principles of academic freedom, equality of opportunity, and human dignity. This requires that all decisions be based on merit, free from invidious discrimination in all its forms. RCC does not engage in discrimination or harassment, or tolerate discrimination or harassment, against any person because of the following protected categories: race, color, religion, sex, pregnancy, disability, national origin, citizenship status, ancestry, age, order of protection status, genetic information, marital status, sexual orientation including gender identity, arrest record status, military status, unfavorable discharge from military service, or any other characteristic protected by federal, state, or local law.

The College community includes RCC employees, students, Board members, and third parties. Third parties include, but are not limited to, volunteers, visitors, service contractors, or others engaged in college business such as employees of businesses or organizations participating in a cooperative program with RCC and others not directly subject to college control at college events. RCC includes all facilities, premises, and non-college property if the student, employee, or third party is at college-sponsored, college-approved, or college-related activities or functions where students are under the control of RCC or where the employee(s) or third party(ies) are engaged in college business, events, or activities.

In furtherance of RCC's commitment to the principles of equality and equal opportunity for the College community, this policy and associated procedures are established to provide a means to address complaints of discrimination or harassment based on the protected categories described herein. RCC will comply with all applicable federal, state, and local laws and regulation.

RCC is committed to providing prompt and effective resolution of alleged or suspected incidents of discrimination or harassment. RCC encourages informal resolutions of discrimination complaints as close to the source as possible. If disciplinary action is warranted, discipline will be imposed in accordance with applicable college policies and procedures.

Retaliation against any person for coming forward with a complaint or a concern, or for otherwise participating in this process, will not be tolerated. RCC can unilaterally initiate any and all steps in these policies and procedures when it learns, either directly or indirectly, that discrimination, harassment, or retaliation is alleged to be taking place.

Important Note: Please do not wait to report conduct of concern until harassment becomes sufficiently serious (i.e., severe, pervasive, or persistent) to create a hostile environment. RCC can take proactive steps to prevent harassment from continuing and perhaps escalating and to protect or otherwise assist the person harassed. For example, the College can arrange for no contact orders, counseling, and changes in class schedules, class requirements, and testing schedules as needed. The College can also provide expertise and advice to help identify conduct that might be a warning sign of

or constitute sexual harassment or hostile environment harassment prohibited by this policy and address any concerns or complaints appropriately.

A. Overview of Prohibited Acts: RCC is committed to ensuring that its learning and working environments are free from all forms of discrimination and harassment.

This policy is designed to promote a safe and healthy learning and work environment and to comply with multiple laws that prohibit discrimination, harassment, and violence, including: Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, the Americans with Disability Act (ADA) of 1990, the ADA Amendments Act of 2008, the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Age Discrimination Act, Title IX of the Education Amendments Act of 1972, the Pregnancy Discrimination Act of 1978, the Uniformed Services Employment and Reemployment Act, the Veterans' Readjustment Act of 1974, the Clery Act of 1990, the Violence Against Women Act of 1994, the Genetic Information Nondiscrimination Act of 2008 and the SaVE Act.

1. **Consensual Relations:** RCC prohibits consensual sexual relationships between supervisors and supervisees. RCC also strongly discourages consensual sexual relationships between faculty and students. The respect and trust accorded to a faculty, staff, or manager by a student or supervisee, as well as the unequal power exercised in giving praise or blame, grades, evaluations, and recommendations may be construed as a source of harassment or coercion in what was originally a consensual relationship. Even if one party does not intend sexual harassment toward another, their behavior may be perceived as sexual harassment. Any reports of such behavior will be promptly investigated, and appropriate responses formulated, up to and including termination of employment.
2. **Discrimination:** No member of the RCC community shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in connection with any RCC service, program, or activity on the basis of any of the following protected categories: race, color, religion, sex, pregnancy, disability, national origin, citizenship status, ancestry, age, order of protection status, genetic information, marital status, sexual orientation including gender identity, arrest record status, military status, unfavorable discharge from military service, or any other characteristic protected by federal, state, or local law.

Discrimination is prohibited in all contexts at RCC, including but not limited to the following: recruitment, testing, hiring, compensation, assignments and promotions, training and development opportunities, leave, performance evaluation, and access to educational programs, activities, services, or facilities.

3. **Harassment:** Harassment, including sexual harassment, is a form of discrimination. RCC does not tolerate any form of harassment. RCC considers such behavior, whether physical or verbal, to be a breach of its standards of conduct. RCC will seek to prevent such incidents, and will investigate and take corrective actions in response to alleged or suspected violations of this policy.
 - a. **Harassment:** Harassment is unwelcome conduct that is based on race, color, religion, sex, pregnancy, disability, national origin, citizenship status, ancestry, age, order of protection status, genetic information, and marital status, sexual orientation including gender identity, arrest record

status, military status, and unfavorable discharge from military service. Harassment becomes unlawful when:

- The conduct is severe or pervasive enough to create a working or learning environment that a reasonable person would consider intimidating, hostile, or abusive; and
- Enduring the offensive conduct becomes a condition of continued employment or participating in an educational program or activity.

b. Sexual Harassment: Sexual harassment is a form of sex discrimination when the conduct is based on an individual's sex, gender, or sexual orientation. Sexual harassment may consist of repeated actions or may even arise from a single incident if sufficiently extreme. The complainant and the alleged perpetrator may be of either gender and need not be of different genders. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature (including sexual assault, sexual abuse, and other forms of sexual misconduct) where:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education status in an academic course or program, or participation in an activity; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or decisions affecting an individual's education, status in an academic course or program, or participation in an activity; or
- Such conduct is intended to or would objectively be regarded by a reasonable person as (1) unreasonably interfering with an individual's work or academic performance in a course or program, or participation in an activity, or (2) creating an intimidating, hostile, or offensive working or educational environment. Generally, a pattern of unwelcome behavior is required; however, if sufficiently severe, one incident may constitute a hostile environment.

Depending on the circumstances, sexual harassment may include, but is not limited to, the following:

- Physical assaults of a sexual nature, such as rape, sexual assault, sexual battery, molestation, or attempts to commit these acts;
- Intentional physical conduct that is sexual in nature such as touching, pinching, patting, grabbing, poking, or brushing against another individual's body;
- Offering or implying an education-related reward (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or scholarships, or admission to any educational program or activity) in exchange for sexual favors or submission to sexual conduct;
- Threatening or taking any negative educational actions (such as giving an unfair grade, withholding a letter or recommendation, or withholding assistance with any educational

activity) or intentionally making the individual's academic work more difficult because sexual conduct is rejected;

- Use or display in the classroom, including electronic, of pornographic or sexually harassing materials such as posters, photos, cartoons, or graffiti without pedagogical justification; and
- Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's sexuality or sexual experience.

c. Sexual Violence: Sexual violence is a particular type of sexual harassment that includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol, or otherwise unable to understand the nature of the act. This includes, but is not necessarily limited to, inappropriate touching, sexual intercourse of any kind without consent, rape, and attempted rape.

(1) Sexual Misconduct: Sexual misconduct includes, but is not limited to: intentional and undesired physical contact, stalking, attempted or actual kissing or fondling, intimate partner violence, coerced sexual activity, indecent exposure, repeated unsolicited propositions for dates and/or sexual relations, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing (physically or psychologically) a person or persons.

(2) Sexual Abuse: Sexual abuse is a severe form of sexual harassment. Sexual abuse is a violation of RCC's sexual harassment policy, as well as state law. Sexual abuse is defined as:

- a. Sexual penetration by force or the threat of force, or when there is sexual penetration and the alleged victim is unable to understand the nature of the act or to give knowing consent; or,
- b. Sexual conduct or penetration when the alleged victim is under 17 years old.

(3) Sexual Assault: Sexual assault is a severe form of sexual harassment. Sexual assault is a violation of RCC's sexual harassment policy, as well as state law. Sexual assault occurs when there is sexual penetration by force or the threat of force, or where there is sexual penetration and the victim is unable to understand the nature of the act or give knowing consent.

4. Title IX: Title IX is a federal law that prohibits sex-based discrimination in education programs and activities receiving federal financial assistance. Title IX states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Discrimination on the basis of sex (i.e., sex discrimination) includes sexual harassment, sexual assault, and sexual violence. Title IX also prohibits gender-based harassment, which includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Title IX also applies to admissions, employment, financial aid, athletics, academic matters, career services, counseling, and all other RCC programs and activities.

Title IX may be invoked in, but is not limited to, the following circumstances: (1) Inequitable pay for female employees holding similar positions to those held by male counterparts; (2) Discrimination against female students on the basis of pregnancy; and (3) Student-on-student harassment that creates a hostile environment and in which RCC has failed: (a) to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects; and, (b) to investigate a complaint of sexual misconduct promptly, thoroughly, and impartially.

- a. Retaliation:** It is unlawful to retaliate against an individual for opposing practices that discriminate based on a protected class or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation. RCC strictly prohibits and will not tolerate reprisals or retaliation against persons due to their assertion of their protected civil rights. Any acts of retaliation, as defined in this policy, shall be grounds for disciplinary action, up to and including dismissal for students and termination of employment for employees.
- b. Policy Application:** This policy may be invoked by any member of the RCC community. If an employee leaves RCC, the employee is encouraged to file a complaint relating to any alleged discrimination and/or harassment occurring during that individual's employment with the College within 30 days following the employee's termination of employment from RCC.

II. REPORTING

Individuals alleging violation of the policies herein are encouraged to report the alleged violation immediately upon experiencing the alleged misconduct, or learning of the alleged misconduct. College employees to whom misconduct is reported are required to report the alleged misconduct to the appropriate college office immediately. Reports of sexual misconduct shall be promptly investigated, and also reported to college security and local law enforcement as appropriate. Employees who fail to report alleged or suspected violations of this policy to the appropriate college office in a timely manner may be subject to disciplinary action, up to and including termination.

A. Students: Students alleging discrimination or harassment allegedly committed by a student or employee may submit a report as specified in this policy to the Compliance Coordinator in Student Services (see pgs. 11-12). Such complaints should be referred to the Office of Student and Community Compliance, 541-245-7723, or SafeTalk@rogucecc.edu for investigation and resolution under the *Student Rights, Freedoms, and Responsibilities* procedure. The procedures outlined in Section III below will govern these complaints.

B. Employees: Employees who believe they have been subjected to discrimination or harassment in violation of this policy should contact the Human Resources Department (HR). Employees may also contact the Office of Student and Community Compliance referenced above.

C. Applicants: An applicant who has submitted an application for admission and believes they have been denied admission or the opportunity for admission on the basis of a protected class (see section 1.A.1) should contact the Office of Student and Community Compliance at 541-245-7723 or SafeTalk@rogucecc.edu.

An applicant who has submitted an application for admission or employment and believes they have been denied employment or the opportunity for employment on the basis of a protected class should contact the HR Department at 541-956-7017; smoye@rogucecc.edu.

D. Visitors: Persons visiting RCC who believe they are subject to conduct that would constitute a violation of the policies herein as perpetrated by a college employee or student should also contact the HR Department at 541-956-7017 or smoye@rogucecc.edu.

III. PROCEDURES FOR ADDRESSING DISCRIMINATION AND HARASSMENT

RCC is committed to the prompt and equitable resolution of all alleged or suspected violations of this policy about which the College knows or reasonably should know, regardless of whether a complaint alleging a violation of this policy has been filed and regardless of where the conduct at issue occurred. RCC's ability to investigate in a particular situation, or the extent of the investigation in any given situation, may be affected by any number of factors, including whether the complainant is willing to file a complaint or to consent to an investigation, the location where the alleged conduct occurred, and RCC's access to information relevant to the alleged or suspected violation of this policy. RCC is nonetheless committed to investigating all alleged and suspected violations of this policy to the fullest extent possible under the circumstances. RCC may, upon finding good cause, modify these procedures in the interests of promoting full and fair resolution of suspected or alleged violations of this policy in accordance with applicable law.

Conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this policy (e.g. if off-campus harassment has continuing effects that create a hostile environment on campus). Allegations of off-campus sexual misconduct are of concern and should be brought to the College's attention.

A. Informal Resolution: To the extent they feel comfortable, individuals are encouraged to first discuss and seek resolution with the individual(s) against whom the complaint is alleged. Any member of the College community may consult with Student Services, Human Resources, and/or the Office of Student and Community Compliance about conduct they believe may violate this policy. At any point, an individual may choose to engage the resolution procedures outlined below.

Informal resolutions are designed to operate in an expeditious manner and to empower the parties to reach a mutually satisfactory agreement with the assistance of a neutral third party determined by the Office of Student and Community Compliance. The investigator does not make a determination of fact as to whether RCC policy has been violated as part of the informal resolution process. Instead, the investigator will use conflict resolution techniques to attempt to resolve the concern(s) brought forward in a manner that is satisfactory to all parties. Informal resolution is flexible and invites active participation of all the parties in order to resolve the matter. Moreover, the investigator will only speak to the individuals whose involvement is necessary to facilitate a resolution. In some instances, this might include only the parties directly involved.

Informal resolution techniques will not be employed in instances in which sexual misconduct that constitutes sexual assault or sexual violence is alleged.

1. Informal Resolution Request: The investigator will attempt to resolve concerns by informal or collegial processes, including mediation, if the complaining party seeks such assistance. To request resolution via informal means, students must (1) contact the Office of Student and Community Compliance. Employees must contact the Director of Human Resources and Risk Management. Contact must be made within 180 days following the last occurrence of the behavior or incident of discrimination that is the subject of the informal resolution. And, (2) complete a *Harassment/Discrimination Complaint* form checking the “Informal Request” box. The form must provide details sufficient to inform the investigator about the behavior or incident of discrimination and the protected category at issue. The investigator will review the request for resolution and determine if the matter is appropriate for informal resolution and whether the allegations set forth in the request form, if substantiated, would constitute a violation of this policy. If not, the investigator will make a referral to an appropriate office.

If the individual declines to complete the *Harassment/Discrimination Complaint* form, the investigator will either (1) close the matter, or (2) invoke the formal investigation process below if the alleged or suspected misconduct would constitute prohibited discrimination, harassment, or retaliation in violation of this policy.

2. Informal Resolution Disposition: If the investigator determines that the allegations are sufficient to establish a claim of discrimination, harassment, or retaliation, they shall initiate the informal resolution process. The investigator will attempt to achieve a mutually acceptable resolution within 30 days from the receipt of the *Harassment/Discrimination Complaint* form. Any party may pursue a formal investigation if they are dissatisfied with a proposed informal resolution.

Informal efforts to address the allegations will conclude with one of the following: (1) a resolution of the complaint by agreement of the parties; or (2) a decision to stop further action. Possible resolutions by agreement of the parties may include, but are not limited to:

- An apology to the initiating party;
- Assisting the responding party to better understand the effects of their conduct and ways in which this behavior could be changed;
- Participation in educational programs about equal opportunity or harassment;
- Verbal or written reprimands;
- Other interventions or actions aimed at ending the alleged misconduct.

In concluding the informal resolution phase, the investigator shall submit a report to the parties involved in the allegation, and the appropriate vice president if necessary, but not normally to any other office. Informal resolution reports will usually be brief. Reports prepared by an investigator, and all records collected during the investigation, shall be kept separate from the official personnel and/or student files of the parties.

B. Formal Investigation: If a complaint proceeds to a formal investigation, or the matter is not appropriate for informal resolution, a prompt, thorough, and impartial investigation is conducted to determine if a violation of this policy occurred. The individual serving as investigator will be determined by the Vice President of College Services, in consultation with the Vice President of Student Services and/or the Director of Human Resources and Risk Management. A formal investigation includes interviewing the parties and relevant witnesses, and reviewing written statements, documents, records, and other communications. At the conclusion of the investigation, a determination based on all of the evidence is provided to the appropriate Vice President along with a recommendation for further action if warranted.

1. Investigation Request: If there is no mutually acceptable informal resolution, a request for a formal investigation may be submitted within 14 days of the informal resolution disposition, or the College may invoke the formal investigation process on its own. A request for a formal investigation should be submitted in writing. Individuals are encouraged to provide as much information as possible, including:

- Description of the discriminatory decisions and/or alleged incident(s) of harassment or other actions that form the basis of the complaint;
- Relevant date(s), name(s) of the individual alleged to have violated the policy, i.e. Respondent;
- Name(s) of any witnesses, if applicable;
- Protected classes/categories involved.

Even absent a complaint or investigation request, RCC will nonetheless investigate suspected violations of this policy to the extent possible and to the extent necessary to comply with applicable law.

2. Investigation Notification: Prompt notification of a complaint will be provided by the Vice President of College Services or designee to the Respondent(s), to the department head or supervisor, and to the appropriate College Vice President by delivery of a copy of the written complaint. The notification to the Respondent(s) will include a copy of any written complaint or a description of any complaint submitted orally, the identity of the Complainant(s), and these Procedures. Delivery by electronic means is appropriate. If any respondent is a college employee, Weingarten Rights will be accorded as appropriate.

The Respondent(s) will be requested to respond in writing to the complaint within a reasonable time, not to exceed 14 days from the date of delivery of the notification of the complaint. Any extension of time must be approved by the Vice President of College Services or designee. A copy of the Respondent(s)'s response will be provided to the Complainant.

3. Investigation Assurances: Both the Complainant and Respondent will be provided with the following in connection with the investigation of alleged or suspected violations of this policy:

- Opportunity to speak on their own behalf.

- Opportunity to identify witnesses who can provide information about alleged conduct at issue.
- Opportunity to submit other evidence on their behalf.
- Opportunity to review any information that will be offered by the other party in support of the other party's position (to the greatest extent possible and consistent with the Family Educational Rights and Privacy Act (FERPA) or other applicable law).
- Right to be informed of the outcome of the investigation (to the greatest extent possible and consistent with FERPA or other applicable law).
- Opportunity to appeal the outcome of the investigation.

4. Investigation Disposition: All employees and students have an obligation to cooperate in the conduct of these procedures. Failure to do so may result in disciplinary action. In the event that a Complainant does not cooperate by failing to furnish information requested by the investigator or to make themselves available for interview by the investigator, the College's ability to investigate the matter may be adversely affected, and may result in the complaint being dismissed. The investigator shall provide written notice of the outcome of the investigation to the Complainant(s) and the Respondent(s). In the event that a Respondent does not cooperate by failing to furnish information requested by the investigator or to make themselves available for interview by the investigator, the investigator may conclude that such information or interview, if provided or conducted, would be adverse to the Respondent.

The investigator will prepare a report at the conclusion of the investigation within 60 days from the date the investigator receives the complaint, or as soon as feasible when extensions are necessary to ensure a thorough investigation. The investigator's report will contain:

- Complainant's allegations or a summary of any other suspected violations;
- Respondent's replies to the allegations or suspected violations;
- Information provided by witnesses, documents, or other information obtained during the investigation;
- Description of the investigation process;
- Investigator's analysis of evidence and findings of fact on each element of complaint; and,
- Any recommendation(s) investigator(s) may consider pertinent to disposition of the complaint.

The investigator's findings of fact shall be made using the "preponderance of the evidence" standard (i.e., more likely than not). Individuals are presumed innocent unless a preponderance of the evidence supports a finding of misconduct. The preponderance of the evidence standard requires that the evidence supporting each finding is more convincing than the evidence offered in opposition to it. If there is evidence that the complaint was filed without a reasonable basis in fact and honest belief, the investigator shall include that evidence in his or her report. Such conduct could constitute a violation of this policy and shall be reported to the

appropriate college officer, in consultation with the Vice President of College Services, for appropriate action, including possible disciplinary action.

The investigator shall submit their conclusion and recommendation to the Complainant, the Respondent, and the appropriate College officer(s). The Vice President of College Services, in consultation with legal counsel, Student Services, and/or Human Resources and/or the Office of Student and Community Compliance as appropriate, shall make their decision as to the disposition of the case as soon as possible, but no later than 28 days after the receipt of the investigator's report (or as soon as feasible when extensions are necessary). This decision shall be in writing and shall include an explanation of the decision. Copies of the decision will be sent to the Complainant, the Respondent, and other appropriate College officers, as well as the Office of Student and Community Compliance. The Complainant and Respondent shall be informed of the decision contemporaneously to the greatest extent possible. RCC may also disclose to the Complainant information about any sanctions or corrective actions taken that relate directly to the complainant (e.g., a "no contact" order).

C. Appeals: This part of the procedure allows either the Complainant or the Respondent to appeal the College officer's decision to the College President.

1. Appeal Filing: The Complainant and the Respondent each have the right to appeal the College officer's decision to the College President within 14 days of the investigator's written decision from the formal investigation. This appeal may be based on either substantive or procedural grounds. The appeal must be submitted in writing with all supporting materials attached.

2. Appeal Resolution: The College President shall decide the appeal as soon as possible, but no later than 45 days of the final submission of appeal materials, or as soon as feasible when extensions are necessary. The President's decision shall be in writing, shall include an explanation, and shall be submitted to the Complainant, the Respondent, the Vice President of College Services, and Office of Student and Community Compliance. This written decision on the appeal shall constitute the final administrative action of the College.

D. Student-on-Student Discrimination or Harassment: The Vice President of Student Services has procedural jurisdiction in instances in which one student accuses another student of engaging in activity that violates this policy. These procedures can be accessed at: <http://www.roguecc.edu/Students/StuRights/StudentRightsFreedomsResp.pdf>.

IV. TITLE IX REPORTING AND PROCEDURES

A. Lead Title IX Coordinator: The Lead Title IX Coordinator is responsible for overseeing all of RCC's Title IX compliance efforts, including gender discrimination, sexual harassment, retaliation, sexual assault, and athletics. The Lead Title IX Coordinator coordinates RCC's efforts to end the alleged discrimination, prevent its recurrence, and remedy its effects on the victim and the RCC community. This includes training, education, communications, and administration of the complaint and grievance procedures for the handling of suspected or alleged violations of this policy.

Name: Curtis Sommerfeld
Title: Vice President, College Services
Primary Office Location: Redwood Campus, C Building
3345 Redwood Hwy., Grants Pass, OR 97527
Telephone: (541) 956-7238
Email: curt@roguecc.edu

C. Deputy Title IX Coordinators

1. Deputy Title IX Coordinator for Students: The Deputy Title IX Coordinator for Students is delegated responsibility by the Lead Title IX Coordinator to oversee RCC's Title IX compliance efforts involving students:

Name: Chauncey Kieley
Title: Compliance Coordinator, Student Services
Primary Office Location: Riverside Campus, G Building
117 S. Central Ave., Medford, OR 97501
Telephone: (541) 245-7632
Email: ckieley@roguecc.edu

2. Deputy Title IX Coordinator for Employees: The Deputy Title IX Coordinator for Employees is delegated responsibility by the Lead Title IX Coordinator to oversee RCC's Title IX compliance efforts involving employees and visitors.

Name: Sara Moye
Title: Director, Human Resources and Risk Management
Primary Office Location: Redwood Campus, M Building
3345 Redwood Hwy., Grants Pass, OR 97527
Telephone: (541) 956-7017
Email: smoye@roguecc.edu

D. Reporting: Individuals alleging a violation of Title IX shall contact the Lead Title IX Coordinator or a Deputy Title IX Coordinator. Deputy Title IX Coordinators are college employees who have been trained and designated by the Lead Title IX Coordinator to receive and investigate allegations of sexual harassment.

Individuals may also seek guidance from and/or file a complaint with the Office for Civil Rights. See <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html> for additional information.

E. Procedures: Upon receipt of a Title IX allegation, the Lead Title IX Coordinator shall assign the complaint to a Deputy Title IX Coordinator to investigate the alleged violation. The investigation shall be conducted pursuant to the procedures outlined above.

The Title IX Coordinator shall confer with and/or seek guidance from the Title IX Advisory Committee on matters that they deem appropriate.

A student or employee who has experienced a sexual assault or other act of sexual violence may also contact proper law enforcement authorities (e.g., by calling 911), including Oregon State Police or local police, about possibly filing a criminal complaint. The Title IX Coordinators are available to assist students in making contact with appropriate law enforcement authorities upon request. Any pending criminal investigation or criminal proceeding may have some impact on the timing of RCC's investigation, but RCC will commence its own investigation as soon as is practicable under the circumstances. RCC reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding.

E. Title IX Advisory Committee: A Title IX Advisory Committee convenes biannually (or more frequently as needed) to review and discuss reported incidents of sexual harassment (including sexual assault and sexual violence), undergo training, identify educational opportunities for the College, and make policy recommendations. The committee is chaired by the Lead Title IX Coordinator and is comprised of the Deputy Title IX Coordinators and individuals from select RCC departments.

V. GENERAL PROVISIONS

A. Terminology

1. "Employee" is any individual who performs services for the College in exchange for pay, benefits, or College affiliate status, including but not limited to: management, professional, classified, faculty, adjunct faculty, lecturers, instructors, academic professionals, visiting academic professionals, and hourly students.
2. "Student" includes any person enrolled in any class or course of instruction or training at RCC.
3. Complainant is the individual(s) alleging a violation of the policies herein.
4. Respondent is the individual(s)/entity (i.e., department, unit, or agency) against whom complaint is filed and/or is the designee for responding to the charge of discrimination or harassment.
5. Deputy Title IX Coordinators are college employees who have been trained and designated by the Title IX Coordinator to receive and investigate allegations of sexual harassment.
6. "Days" refer to calendar days unless specified otherwise.

B. Administrative Responsibility: The Vice President of College Services will serve as the Lead Title IX Coordinator in the operation of these procedures. To assure consistent assessment and handling of complaints, the Vice President will have the lead responsibility for overseeing all aspects of this policy. Vice presidents, deans, directors and department heads will share the responsibility for the effective functioning of these procedures within their units, subject to oversight by the Title IX Advisory Committee.

When a complaint concerns a college vice president, the President's Office will be responsible for implementing the procedures described in this policy, and the final decision or concurrence shall rest with the President, or their designee, rather than with the Title IX Advisory Committee.

C. Alteration of Procedure: RCC can unilaterally initiate any and all steps under this policy and procedures when it learns, either directly or indirectly, that discrimination, harassment or retaliation is

alleged to be taking place or has taken place. The Title IX Advisory Committee may alter any of the requirements of these procedures, including extending timelines, provided that the alteration does not impair the ability of the complainant to bring a complaint or the respondent to defend themselves. Any substantive alterations of these procedures will be communicated to the pertinent parties.

D. Confidentiality: RCC strives to maintain confidentiality to the greatest extent possible and may require those involved to maintain confidentiality, particularly when confidentiality is required to protect witnesses, prevent evidence from being destroyed, avert a threat that subsequent testimony would be fabricated, or prevent a cover-up. Information will be protected to the extent permitted by law. Complainants are advised, however, that confidentiality can only be respected insofar as it does not interfere with RCC's obligation to investigate alleged or suspected violations of this policy and to take corrective action.

E. Conflict of Interest: A conflict of interest may arise if a participant, administrator, or investigator has a significant professional or personal involvement with the facts or the parties to a dispute. Any participant, administrator, or investigator who has a conflict of interest in a dispute covered by these procedures, or a concern about a conflict on the part of another, shall report it to the Vice President of College Services, who shall decide how to address the situation. If there is a conflict of interest involving the Vice President, the President shall decide how to address the situation. If there is a conflict of interest involving the President, the Chair of the RCC Board of Directors shall decide how to address the situation.

F. Interim Corrective Administrative Action: At any time after informal resolution or a complaint has been filed, and before final disposition of the dispute, the Title IX Advisory Committee may authorize corrective/interim administrative action to protect the best interests of the College. For example, RCC reserves the right to suspend any member of the RCC community suspected or accused of violating this policy or to take any other interim measures deemed appropriate, pending the outcome of an investigation or grievance, so long as such action is permitted by and taken in accordance with any other applicable disciplinary procedures. Other interim measures can include, but are not limited to, removing a student from classes or an employee from a particular work environment, modifying work or course schedules, and issuing a "no contact" order. In situations involving suspected or alleged sexual harassment, sexual assault, or sexual violence, RCC also reserves the right to take steps to protect the complainant as deemed necessary during the pendency of the investigation and resolution process (e.g., allowing for a change in academic situation, issuing a "no contact" order to the accused, etc.). Any such interim steps will be taken in a manner that minimizes the burden on the complainant to the extent possible and in accordance with any other applicable disciplinary procedures.

G. Exclusivity: Except as otherwise noted above, these procedures are intended to be the exclusive procedures used for all complaints alleging violations of this policy. However, these procedures shall not deprive students or employees of access to other appeal or problem-solving processes, including those offered through their departments, the Office of Student Services, and negotiated grievance procedures in collective bargaining agreements.

These procedures may be implemented irrespective of any criminal proceeding or administrative action pursued in accordance with applicable departmental or RCC policies.

H. Impartiality: Investigators and Title IX Coordinators do not function as advocates for complainants or respondents. Rather, they are designated to serve as problem solvers, fact finders and/or investigators as appropriate. Investigators and Title IX Coordinators will inform complainants and respondents about other college offices and/or resources where they may seek support or advocacy.

In cases in which a complainant files their complaint with a federal or State agency while their complaint is pending with the Title IX Advisory Committee, the internal complaint may be terminated if it is determined that the Title IX Advisory Committee's ability to continue its inquiry or investigation in an impartial manner is compromised.

I. Imposition of Sanctions: The imposition of sanctions or discipline will proceed in accordance with Oregon and federal statutes and relevant college policy, rules and regulations.

J. Records: The reports and other records created or compiled under these procedures are to be generated, distributed, and maintained as specified at the different steps. Records are not intended to become part of the official personnel and/or student files of the Complainant or the Respondent, although there are circumstances where this may be appropriate. Access to records is to be limited to the disputants and, on a need-to-know basis, to appropriate college administrators.

K. Representation: Any party to a dispute may be accompanied by an advisor of choice at any meeting that occurs under these procedures. If any party's advisor of choice at a meeting is to be an attorney, all participants must be informed at least three working days prior to the meeting. The investigator may request the advice of legal counsel at any time. An advisor or support person may not, however, stand in place of either the Complainant or the Respondent, or otherwise participate in the process.

L. Resources: The following offices are resources for members of the college community who believe they have been subject to discrimination and harassment:

- Office of Student Services;
- Office of Student and Community Compliance, Student Services;
- Lead and Deputy Title IX Coordinators (see pgs. 10-11);
- Americans with Disabilities AADA/Section 504 Coordinator(s);
- Counseling Department;
- Human Resources Department.

M. Fabricated Allegations: Any allegations suspected to be fabricated for the purpose of harassing the accused party or disrupting RCC's operations are subject to these investigation and grievance procedures and could result in disciplinary actions, up to and including dismissal for students and termination of employment for employees.