

**ROGUE COMMUNITY COLLEGE
GENERAL INFORMATION AND
ADMINISTRATIVE PROCEDURES**

Procedure: TITLE IX - GENDER-BASED AND SEXUAL MISCONDUCT (AP-047)

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**POLICY AND PROCEDURES ADDRESSING TITLE IX –
GENDER-BASED AND SEXUAL MISCONDUCT**

I. POLICY

Rogue Community College is committed to maintaining a safe and healthy educational and work environment in which no member of the community is, on the basis of sex, sexual orientation, or gender identity, excluded from participation in, denied the benefits of, or subjected to discrimination in any college program or activity. Gender-based harassment and sexual harassment, including sexual violence, are forms of sex discrimination in that they deny or limit an individual's ability to participate in or benefit from college programs or activities.

This policy is designed to ensure a safe and non-discriminatory educational and work environment and to meet legal requirements, including:

- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in the College's programs or activities;
- Violence Against Women Reauthorization Act;

A. Prohibited Conduct

The conduct listed below is strictly prohibited:

1. Sexual Assault

Sexual assault is actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:

- Intentional touching of another person's intimate parts without that person's consent; or
- Other intentional sexual contact with another person without that person's consent; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or
- Rape or attempted rape.

2. Sex/Gender-Based Discrimination

Sex discrimination is adverse treatment of an individual based on sex or gender, rather than individual merit. Sex discrimination encompasses sexual misconduct but also includes other discriminatory behavior that does not constitute sexual misconduct. Sex discrimination also may include abusive or harassing behavior, whether verbal or physical, that demeans or intimidates another individual because of sex, gender identity or gender expression. Examples of conduct that can constitute sex discrimination because of sex, gender identity or gender expression include, but are not limited to the following:

- Singling out or targeting an individual for different or adverse treatment (e.g., more severe discipline, lower salary increase);
- Failing or refusing to hire or allow participation by an individual in a College activity;
- Terminating or removing an individual from employment or an educational program; or
- Verbally harassing, abusing, or demeaning a targeted individual with conduct designed to adversely impact that individual.

3. Sexual Exploitation

Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure;
- Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent.

4. Sexual Harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such conduct is made either implicitly or explicitly a term or condition of instruction, employment, or participation in any College activity or benefit;
- Submission to or rejection of these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions; or
- These behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment.

5. Sexual Misconduct

Sexual misconduct occurs when participants in sexual activity have not given consent. Sexual misconduct involving force, duress, or inducement of incapacitation, or where the perpetrator has taken advantage of another person's state of incapacitation, will be deemed especially egregious. The consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation regarding sexual misconduct.

- 6. Intimate Relationship Violence** (also known as dating or intimate partner/spouse violence). Intimate relationship violence is any act of violence, threat or intimidation that harms or injures a partner/spouse in a current or former intimate relationship (defined below).

These acts may be physical, emotional/psychological, sexual, or economic in nature. Intimate relationship violence can be a single act or pattern of behavior. These acts are prohibited under this policy.

- 7. Domestic Violence in the Context of Intimate Relationships**
Violence that occurs when partners/spouses in a current or former intimate relationship are or have been cohabiting in the same space is also prohibited. Students are deemed to be cohabiting when they share access to the same private living space or bathroom.

- 8. Stalking in the Context of Intimate Relationships**
Stalking is a course of conduct or series of acts directed at a partner in a current or former intimate relationship that would cause a reasonable person to feel fear, to experience emotional distress, or to fear for the safety of a third person. Acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include, but are not limited to: threats of harm to self or others; pursuing or following; non- consensual (unwanted) communication by any means; unwanted gifts; trespassing; and surveillance or other types of observation.

B. Determination of Violations

In determining whether alleged conduct violates this policy, the college will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. Any of the prohibited conduct can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships. The determination of a violation will be made using the “preponderance of the evidence” standard.

C. Scope of This Policy

This policy governs college students, regardless of enrollment status, all employees, and third parties (e.g. non-members of the college community, such as vendors and visitors).

Third parties are both protected by and subject to this policy. A third party may make a complaint or report of a violation of this policy. A third party also may be permanently barred from the college or subject to other restrictions for failing to comply with this policy.

This policy applies to conduct that occurs on College property and in the local vicinity. All actions by a member of the college community that involve the use of the college's computing and network resources from a remote location, including but not limited to accessing email accounts, will be deemed to have occurred on campus. This policy also applies to conduct that occurs off college property when the conduct is associated with a college-sponsored program or activity, such as travel, research, or internship programs or when such conduct has a continuing adverse effect or creates a hostile environment on campus.

II. DEFINITIONS

For the purposes of this policy, the definitions below will be used:

“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, hourly students and volunteers.

“Student” includes any person enrolled in any class or course of instruction or training at RCC.

“Complainant” is the individual(s) alleging a violation of the policies herein.

“Respondent” is the individual(s)/entity (i.e., department, unit, agency) against whom a complaint is filed and/or is the designee for responding to the charge of discrimination or harassment.

“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, sexual discrimination and sexual assault.

“Title IX Investigators” are College employees who have been trained and designated by the Title IX Coordinator and Title IX Deputy Coordinators to investigate allegations of sexual harassment, sexual discrimination and sexual assault.

“Days” refer to calendar days unless specified otherwise.

“Consent” is the voluntary, informed, un-coerced agreement through words and actions freely given, which a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate.

Indications that consent is not present include, but is not limited to, the following:

- When physical force is used or there is a reasonable belief of the threat of physical force;
- When duress is present;
- When one person overcomes the physical limitations of another person;
- When a person is incapable of making an intentional decision to participate in a sexual act, which could include instances in which the person is in a state of incapacitation.

“Incapacitation” is the state in which a person’s perception or judgment is so impaired that he or she lacks the cognitive capacity to make or act on conscious decisions. The use of drugs or alcohol can cause incapacitation. An individual who is incapacitated is unable to consent to a sexual activity. Engaging in sexual activity with an individual who is incapacitated (and therefore unable to consent), where a person knows or ought reasonably to have understood that the individual is incapacitated, constitutes sexual misconduct.

“Intimate Relationship” is a short- or long-term relationship between persons of any gender that provides romantic and/or physical intimacy or emotional dependence. Intimate relationships may include, but are not limited to, marriages, civil unions, dating relationships, "hook-up" relationships, relationships in which partners are characterized as "girlfriends" or "boyfriends," and relationships between persons with a child in common.

III. REPORTING

Complainants are encouraged to make formal reports of incidents. When formally reported, Complainants have the right and can expect to have incidents of sexual misconduct investigated and properly resolved through administrative procedures. RCC will seek to maintain privacy at all times during the process consistent with our responsibility to ensure both individual and community safety, as well as its commitment to providing an environment free from discrimination. This means that only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, interpreters/translators, Complainants, and Respondents.

A. Reporting Procedures

Reports of incidents of gender-based or sexual misconduct or discrimination should be made to the designated Title IX Coordinator or Deputy Coordinators, who are designated and trained as Title IX investigators and are charged with ensuring that any misconduct is eliminated, its recurrence is prevented, and addressing the effects. These individuals will also provide information regarding grievance procedures, interim measures during any investigation or policy process, and ongoing emotional support.

Students: Students alleging discrimination or harassment should submit a report to the Office of the Compliance Coordinator at 541-245-7632 or emailing SafeTalk@rogucc.edu.

Students may also discuss their allegation with an RCC Counselor prior to making a report. A Counselor is able to offer confidentiality and information about the process, which can help a student decide how to proceed. For more information, please see the “Confidential Reporting” section below.

Students who are victims of sexual assault shall receive written notification showing each of the below rights and resources. This notification must be written in plain language that is easy to understand and with print that is of a color, size and font that allow the notification to be easily read.

- The student’s rights;
- Information about what legal options are available to the student, including but not limited to:
 - The various civil and criminal options the student may pursue following an assault, and;
 - Any campus-based disciplinary processes the student may pursue;
 - Information about the campus-based services available to the student;
 - Information about the student’s privacy rights, including but not limited to information about the limitations of privacy that exist if the student visits a campus health or counseling center; and
 - Information about and contact information for state and community-based services and resources that are available to victims of sexual assault.

Employees: Employees who believe they have been subjected to discrimination or harassment in violation of this policy should contact the Risk Management Department at 541-956-7146 or wjones@rogucecc.edu.

Applicants for Admission: Applicants who have submitted an application for admission and believes they have been denied admission or the opportunity for admission on the basis of a protected class should contact the Office of the Compliance Coordinator at 541-245-7632 or SafeTalk@rogucecc.edu.

Visitors: Persons visiting the College 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 contact the Risk Management Department at 541-956-7146 or wjones@rogucecc.edu.

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.

B. Responsibility of Employees to Report

All employees are considered responsible employees and are required to report incidents of conduct prohibited by this policy to the Title IX coordinator or her/his designee. All employees are also required to fully cooperate with investigations related to these issues. Individuals designated as campus or community professionals who are bound by state and federal laws to not reveal information without written permission of the individual are not required to report confidential information. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to the individual or others. If an individual wishes to explore their options for reporting, it is recommended they contact one of RCC's Counselors. A counselor will not be required to break confidentiality under this procedure and will work with the individual to help them understand and navigate the reporting and grievance process.

In emergency situations, if there is a suspected crime in progress, or imminent or serious threats to the safety of anyone, employees must immediately dial 911 and contact Security.

A complainant may choose not to make a complaint or report in their own case.

C. Disclosure of Information

The College may share non-identifying information, including data about outcomes and penalties, in aggregate form. At no time will the College release the name or other personally identifiable information of the complainant to the general public without the express consent of the complainant or as otherwise permitted or required by law.

D. Confidential Reporting

Complainants seeking assistance without the expectation of a formal response from the College have the following confidential reporting options:

College Counselors

RCC has professional counselors (including those who act in this role under the supervision of a licensed counselor) who provide mental health counseling to RCC students and who are not required to report any information about an incident to the Title IX Coordinator without the Complainant's permission. This privileged communication only applies when counselors are supporting students in a personal counseling role, as opposed to serving as faculty or fulfilling other roles of their job.

Counseling Centers are located at each Campus: <http://web.rogucecc.edu/counseling>

E. Limitations and Exceptions to Confidentiality

Individuals who speak to a counselor or advocate (on or off campus) must understand that, if they want to maintain confidentiality, the College may be unable

to conduct a complete investigation or pursue disciplinary action against the alleged perpetrator. However, the College will still work with the complainant to alleviate and hostile environment or negative effects on the complainant within the limits of applicable policy and procedure. Limits to confidentiality:

- If the College determines that the Respondent may pose a serious and immediate threat to the College community, RCC Security may be called upon to issue a “timely warning” to the community. Any such warning will not include any information that identifies the Complainant.
- All RCC employees are required by Oregon law (HB4016) to report suspected cases of abuse against persons under the age of 18 to the Oregon Department of Human Services.

F. Annual Security Report and Timely Warning Obligations

RCC is required by the Higher Education Opportunity Act and Clery Act to annually publish statistical information related to reported incidents of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. The information shared includes the date, location of incident, and Clery crime category. All personally identifiable information is kept confidential. RCC Security is responsible for collecting the data from a variety of College sources and publishing the report.

The RCC Annual Campus Security Report can be found at: <http://web.roguecc.edu/sites/web.roguecc.edu/files/Sites/Safety/pdf/CampusCrime.pdf>.

The College is also obligated by federal directive to issue immediate “timely warnings” for incidents reported that are considered to pose a substantial threat to the college community. The College will make every effort to ensure that victims’ names and other identifying information are not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

G. Anonymous Reporting

The College will accept and investigate, to the extent possible, anonymous reports of sexual misconduct. Reporting parties must understand that 1) anonymous reports may trigger a formal Title IX investigation and 2) anonymous reports often limit the College’s ability to conduct an investigation or pursue disciplinary action.

H. Fabricated Allegations

Any allegations suspected to be fabricated for the purpose of harassing the accused party or disrupting the College’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.

IV. PROTECTION AGAINST RETALIATION

This policy and Title IX prohibit retaliation against a Complainant or witnesses for filing or participating in the investigation of a sexual misconduct complaint. Retaliation is any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against individuals for exercising their rights (or supporting others for exercising their rights) under this policy. RCC will investigate any reports of retaliation and take appropriate disciplinary action.

V. TITLE IX COORDINATOR RESPONSIBILITIES

The RCC Title IX Coordinator ensures that faculty, staff, and students are aware of their legal rights under Title IX. The coordinator also works to ensure that RCC complies with all aspects of Title IX. The Title IX Coordinator will be informed of all complaints or reports of violations of this policy, and oversees the College's centralized response to ensure compliance with Title IX. The Title IX Coordinator's activities include, but are not limited to:

- Communicating with all members of the College community regarding Title IX and providing information about how individuals may access their rights;
- Reviewing applicable College policies to ensure institutional compliance with Title IX and The Violence Against Women Act ("VAWA");
- Monitoring the College's administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements;
- Overseeing training regarding Title IX and prohibited conduct defined in this policy; and
- Responding to any complaint or report regarding conduct that violates this policy. In this capacity, the Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any remedial measures, and monitors the administration of any related appeal.

The Title IX Coordinator may delegate responsibilities under this policy to designated Deputy Title IX Coordinators and Investigators, who are appropriately trained.

Title IX Coordinator and Deputy Title IX Coordinator contact information is as follows:

Title IX Coordinator

Sean Taggart
Director of Risk Management
3345 Redwood Hwy
Grants Pass, OR 97527
STaggart@roguecc.edu
(541) 956-7061

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

Chauncey Kieley
Compliance Coordinator
Riverside Campus, G Building
117 S. Central Ave.
Medford, OR 97501
ckieley@roguecc.edu
(541) 245-7632

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

Wendy Jones
Risk Management Coordinator
Redwood Campus, C Building
3345 Redwood Hwy.
Grants Pass, OR 97527
wjones@roguecc.edu
(541) 956-7146

VI. WHERE AND HOW TO GET IMMEDIATE ASSISTANCE FOLLOWING AN INCIDENT OF GENDER-BASED OR SEXUAL MISCONDUCT

A. For Immediate Assistance:

Any RCC student, faculty, or staff member who has experienced sexual assault is strongly encouraged to seek immediate medical assistance by calling 911 and notifying Security at 541-218-2930.

In the event of a sexual assault or a sexual misconduct incident requiring medical attention, visiting a hospital emergency room will ensure treatment is provided for possible injuries, pregnancy, or sexually transmitted disease. Additionally, a Sexual Assault Nurse Examiner (SANE) can obtain forensic evidence of an assault up to five days after the incident. This can be important if legal options are pursued later. The Josephine Women's Crisis Support Team ((541) 479-9349) and the Jackson County Sexual Assault Victims Services ((541) 779-4357) have trained crisis counselors who can accompany a victim to the hospital 24 hours a day. Additional community resources can be found here (<http://web.roguecc.edu/title-ix/advocacy-and-resources>).

You are also encouraged to report the incident to RCC by following the reporting procedures outlined in the "Reporting" section of this policy.

The College expects all members of our community to participate in the process of creating a safe, welcoming and respectful environment on campus. In particular, the College expects that all RCC community members will take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who chose to exercise this positive moral obligation will be supported by the College and protected from retaliation.

B. For Ongoing Assistance:

The following resources are available for ongoing assistance, regardless of whether the victim chooses to make an official report or participate in an investigation or criminal process. This policy indicates the level of confidentiality offered by each of the listed on-campus resources.

Counseling Services for Students: Counseling services are available on a walk-in basis at each of RCC's Student Services Centers (G Building on the Riverside Campus or the Student Services building on the Redwood Campus) or by calling 541-245-7552 (Medford) or 541-956-7192 (Grants Pass).

Assistance for Employees: Employee Assistance Program (EAP) Contact information: RBH at 1-866-750-1327.

VII. INTERIM MEASURES, ACCOMMODATIONS, AND SANCTIONS

Where appropriate, RCC will implement interim measures on its own initiative or in response to a request from a Complainant (the alleged victim of sexual misconduct) or Respondent (the alleged perpetrator of sexual misconduct).

A. Interim measures for students may include, but are not limited to:

- Access to on-campus counseling services and assistance in setting up an initial appointment with the Deputy Title IX Coordinator for Students to discuss complaint and interim options available;
- Advocacy to access community resources for ongoing assistance to include, but not limited to: individualized safety plan, counseling, case management advocacy, support group/s, legal advocacy, emergency shelter/housing, etc.;
- No-contact directives;
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Changing class schedules, including the ability to transfer course sections or withdraw from a course without penalty;
- Changing work schedules, job assignments, or job locations for college employment;

- Providing an escort to ensure safe movement between classes and activities;
- Providing academic support services, such as tutoring;
- Limiting or barring an individual's or organization's access to certain RCC-owned facilities or activities;
- Interim suspension of the Respondent;
- Student-requested leaves of absence.
 - Any other measures deemed appropriate by the Title IX Coordinator and applicable Deputy Coordinator made to alleviate any hostile environment on campus.

B. Interim measures for faculty and staff may include, but are not limited to:

- Access to on-campus counseling services and assistance in setting up an initial appointment with the Deputy Title IX Coordinator for employees and visitors to discuss complaint and interim options available;
- Changing work schedules, job assignments, or job locations;
- Limiting or barring an individual's or organization's access to certain RCC-owned facilities or activities;
- Providing an escort to ensure safe movement on campus;
- Administrative leave;
- RCC-imposed leave or physical separation from individuals or locations.
- Any other measures deemed appropriate by the Title IX Coordinator and applicable Deputy Coordinator made to alleviate any hostile environment on campus.

The provision of appropriate interim measures will depend upon the particular facts of the situation. Factors that will be considered include, but are not limited to:

- the Complainant's expressed need,
- the age of the parties involved,
- the severity or pervasiveness of the allegations,
- any continuing effects on the Complainant,

- whether the Complainant and the alleged perpetrator share a classes or other educational program,
- extracurricular activities,
- transportation,
- work location, and
- whether protective orders or similar judicial measures have been taken to protect the Complainant.

Interim measures will not place a disproportionate burden on the Complainant, nor create a presumption that the Respondent has violated College policy.

VIII. INVESTIGATION AND RESOLUTION PROCEDURES

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.

A. Informal Resolution

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 the Compliance Coordinator when the Complainant is a student and by the Risk Management Coordinator when the Complainant is an employee. When the Complainant is a third party (not a student or employee) the Title IX Coordinator will determine the neutral third party.

The neutral third party does not make a determination of fact as to whether RCC policy has been violated as part of the informal resolution process. Instead, the neutral third party 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 neutral third party will only speak to the individuals whose involvement is necessary to facilitate a resolution. Informal resolution techniques will not be employed in instances in which sexual misconduct that constitutes sexual assault or sexual violence is alleged. The Complainant or Respondent may request a formal investigation at any point in the informal resolution process. Additionally, RCC may determine a matter is inappropriate for informal resolution and initiate a formal investigation at any time.

B. Formal Investigation:

If a complainant proceeds with a formal investigation request, 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. A formal investigation includes interviewing the parties and relevant witnesses, and reviewing written statements, documents, records, other communications, and any other relevant evidence.

RCC's Title IX Coordinator or Deputy Coordinator will ensure that complaints are promptly investigated as follows:

RCC will seek to complete the investigation within sixty days after receipt of the complaint or report. There may be circumstances that warrant an extension of the sixty-(60) day deadline. The timeframe may be extended depending upon the complexity of the circumstances of each case. The Complainant and the Respondent will be notified in writing of the reason for extension and the projected completion date.

RCC will notify a Complainant and Respondent of all of their right by providing a copy of the "Know Your Rights" booklet (in compliance with Oregon SB 759). In the event RCC's investigation is delayed, steps will be taken to provide the Complainant with appropriate interim measures. The parties will also be updated on the status of the investigation and advised when it is resumed.

C. Other Considerations and Preservation of Evidence

RCC's will consult and coordinate as needed with law enforcement agencies or forensic experts on the interpretation of any forensic evidence included in the investigation. RCC will notify Complainant and Respondent of their right to file a criminal complaint with law enforcement.

RCC will cooperate with an ongoing investigation of the complaint by outside law enforcement. This may require that RCC temporarily delay its investigation while law enforcement gathers evidence. However, RCC will not wait for the conclusion of a criminal proceeding to initiate its own investigation. RCC will promptly resume its investigation once notified that law enforcement has completed gathering evidence in the investigation.

D. Investigation Report and Findings

After reviewing all evidence and supporting documentation, the investigator will prepare a written report of the investigation findings and recommendations to the Title IX Coordinator (discussed in more detail below) to review and determine whether or what sanction or disciplinary action (if any) should be taken.

The Title IX Coordinator will review the investigator's report of findings and work with the appropriate RCC Officials to determine and administer the appropriate

remedy (if any), including sanctions or disciplinary actions. The Title IX Coordinator will issue a written notice of the outcome to the Complainant and Respondent with a copy of the investigator's report of findings and the Complainant and Respondent's appeal rights.

All findings will be by a preponderance of the evidence, which means that the Title IX Coordinator will determine whether the sum of all the evidence shows that it is more likely than not that the Respondent violated College policy. This standard will be used in any Title IX fact-finding and related proceedings, including any hearings.

The College will also maintain a written record of disciplinary and other action taken by the College, if any, in response to the findings; response and action taken by administrators, including interim and permanent action to address the allegations and findings; and all other written action taken to prevent recurrence of any sexual misconduct incident.

E. Impartial Process

Both the complainant and the respondent are entitled to a thorough and impartial investigation and decision-making process. The Title IX Coordinator, or designee, will assign an investigator to handle the complaint.

Any complainant or respondent who believes the designated investigator cannot be impartial should immediately notify the Title IX Coordinator of their concerns. Allegations of bias should be based on the individual's belief that the person alleged to be biased has had prior contact or prior significant involvement with an individual named in the complaint and that such contact or involvement prevents the person from assessing the facts impartially. Notice to the Title IX Coordinator that there is a concern regarding potential bias must be received within five (5) working days of the date the objecting participant is notified of the name of the designated investigator. If the Title IX Coordinator believes the objection has merit, the matter will be promptly re-assigned to another designated investigator. The Title IX Coordinator may reassign complaint responsibilities as needed on their own initiative on the basis of subsequently discovered facts or subsequently occurring events that present a presumption of bias or incapacity by the investigator.

Any complainant or respondent who believes the Title IX Coordinator cannot be impartial should immediately notify the College President of their concerns. The College President shall use the processes of this section to proceed.

Any complainant or respondent who believes the President cannot be impartial should immediately notify the Title IX Coordinator of their concerns. The Title IX Coordinator will forward these concerns to the RCC Board of Education. The Board shall use the processes of this section to proceed.

F. Confidentiality

In the event that a Complainant's request for confidentiality limits RCC's ability to investigate, RCC will take reasonable steps to limit the effects of the alleged acts and

prevent their recurrence. Reasonable steps may include increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; revising and publicizing the school's policies on sexual misconduct; and conducting climate surveys regarding sexual misconduct.

G. Advocates

A Complainant and Respondent may choose to be accompanied by an advocate/emotional support person of their choice. To serve as a support person, the individual will be required to meet with the official(s) conducting the inquiry or the Title IX Coordinator in advance of any participation in the proceedings. The Survivor Advocate may serve as a support person for a Complainant.

The advocate/support person cannot be a witness in the proceedings. The advocate/support person is a silent and non-participating presence who is there solely to observe and provide moral support during the meeting itself. This person is not to address the official(s) conducting the inquiry except to ask for a short recess if one of the parties requires some time to compose themselves or collect their thoughts. The official(s) conducting the inquiry has the right at all times to determine what constitutes appropriate behavior on the part of a support person and whether the person may remain at the proceedings. While the support person may be present to hear testimony, no written materials are to be shared with support people.

Absent extenuating circumstances, witnesses and others involved in an investigation, inquiry, or hearing are not entitled to have a support person present.

A Complainant or Respondent may choose to seek the advice and assistance of an attorney at their own expense. The College will not recognize or enforce agreements between the parties outside of RCC disciplinary procedures.

IX. SANCTIONS

Any student engaging in behavior prohibited by this policy is subject to the disciplinary processes as set forth in the Students' Rights and Responsibilities handbook.

Any employee engaging in behavior prohibited by this policy is subject to discipline that may include termination, subject to any association contract, state or federal law.

People who are both students and employees are subject to discipline as both a student and an employee.

Any vendor engaging in behavior prohibited by this policy may have their contract cancelled, within the terms and conditions of their contract.

Any member of the general public engaging in behavior prohibited by this policy may be trespassed from property owned or controlled by the college.

A. Examples of Employee and Student Sanctions:

1. Possible sanctions for employees (list is not exhaustive):

- Verbal Warning
- Written Warning
- Suspension without Pay
- Disciplinary Probationary Probation
- Transfer
- Last Change Agreement
- Dismissal
- Mandatory EAP Referral
- Training
- Demotion

2. Possible sanctions for students (list is not exhaustive):

- Verbal Warning
- Limitation of Privileges (i.e., restrictions of campus access, courses, etc.)
- Restitution
- Disciplinary Suspension
- Expulsion
- Disciplinary Probation
- Reassignment of Classes
- Community Service
- Trespass
- Other Sanctions Deemed Appropriate

X. PROCEDURES FOR APPEAL

A. For Investigations Where the Respondent is an Employee or Visitor:

The Complainant or Respondent may appeal the decision on the basis of an alleged failure to follow this Policy. A Complainant or Respondent may also submit an appeal disputing the severity of the sanction issued.

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.

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 other appropriate College officers. This written decision on the appeal shall constitute the final administrative action of the College.

B. For Investigations Where the Respondent is a Student:

The appeals process is described, along with the Student Conduct process, in the [Student Rights, Freedoms, and Responsibilities Procedure \(AP-003\)](#).

XI. PREVENTION AND EDUCATION

The College is committed to a comprehensive educational and training program to promote awareness of and prevent sex discrimination, including sexual misconduct.

- A.** Mandatory initial and annual refresher training for College employees will be provided by Human Resources. New employees complete this training within the first month of employment with refreshers every year. Employees receive an email informing them of their training requirement with a personalized link to the online course. Alternatively, employees may attend in-person training or an external College-approved prevention training.
- B.** Training includes information on Title IX obligations and the nature and consequences of sexual harassment, including sexual misconduct, and discusses reporting options, resources, and procedures for handling complaints.
- C.** The vice presidents, deans, and managers are responsible for ensuring that their employees complete the mandatory initial and refresher trainings.
- D.** Student Services, Human Resources, and other campus offices promote awareness of and provide additional communication about and training in the prevention of sex discrimination, including sexual misconduct.

Additional Position Specific Training Requirements: From the Office of Civil Rights in the US Department of Education's April 29, 2014 bulletin, Questions and Answers on Title IX and Sexual Violence, "a school should ensure that staff are capable of providing culturally competent counseling to all Complainants. Thus, a school should ensure that its counselors and other staff who are responsible for receiving and responding to complaints of sexual violence, including investigators and College officials involved in reviewing or processing a complaint under this Policy, receive appropriate training about working with LGBT and gender- nonconforming students and same-sex sexual violence."