

The Title IX Coordinator and Deputy Title IX Coordinators are required to respond to reports of sexual harassment or misconduct. The Title IX Coordinator will handle information received with the utmost discretion and will share information with others on a need-to-know basis only. For example, the Title IX Coordinator may need to address public safety concerns on campus, comply with state and federal legal requirements, or share information to implement supportive measures.

A report of sexual harassment to the Title IX Coordinator does not necessarily lead to a full investigation, as discussed more fully below. However, the Title IX Coordinator will make an assessment to determine if there is a safety risk to the campus. If the Title IX

extent to which the Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties.

Parties have the right to consult with an attorney, at their own expense, at any stage of the Complaint process if /they wishe

- F. Parties: As used in this procedure, this means the Complainant and Respondent.
- G. Respondent: A Respondent is an individual reported to have engaged in conduct that could constitute sexual harassment.
- H. Sexual Harassment under Title IX: Conduct that satisfies one or more of the following shall constitute sexual harassment under Title IX:
1. A district employee conditions the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct ("*quid pro quo* harassment");
 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education programs or activities;
 3. Sexual assault, including the following:
 - a. Sex Offenses. Any sexual act directed against another person, without their consent, including instances where the person is incapable of giving consent.
 - b. Rape (except Statutory Rape). The carnal knowledge of a person, without their consent, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - c. Sodomy. Oral or anal sexual intercourse with another person, without their consent, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - d. Sexual Assault with an Object. To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without their consent, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
 - e. Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without their consent, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - f. Sex Offenses. Non-Forcible Unlawful, Sexual Intercourse.

i. *Incest. Non-*

not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

Individuals have the opportunity to decide whether they want to pursue a formal Title IX complaint. Reporting sexual harassment to the Title IX Coordinator does not automatically initiate an investigation under these procedures. A report allows the district to provide a wide variety of support and resources to impacted individuals and to prevent the recurrence of the conduct. A Complainant or the Title IX Coordinator filing a formal complaint under these procedures will initiate an investigation.

If there are parallel criminal and Title IX investigations, the district will cooperate with the external law enforcement agency, as authorized by the Complainant, and will coordinate to ensure that the Title IX process does not hinder legal process or proceedings.

The district will document reports of sexual harassment in compliance with the Clery Act, a federal law requiring data collection of crime within the campus geography. Under the Clery Act, the district does not document personal information; the district reports the type of conduct, and the time, date, and location. (Also see Board Policy and Administrative Procedure 3540: Sexual and Other Assaults on Campus).

District Employees and Officials with Authority

District Officials with Authority are not confidential resources and are required to report allegations of sexual harassment to the Title IX Coordinator promptly. All other employees are encouraged to report allegations to the Title IX Coordinator but are not required to do so.

The district has designated the following employees as Officials with Authority:

- Superintendent / president

- Vice Presidents

- Associate Vice Presidents

- Deans

- Associate Deans

- Directors

- Associate Directors

- Police Department & Campus Safety employees (i.e., Chief, Sergeant, staffbe2sAs (E)1 5holi

After receiving a report of sexual harassment, the Title IX Coordinator or designee will contact the Complainant to explain their rights under this policy and procedure and invite the Complainant to a meeting. The Title IX Coordinator or designee will discuss

Removal of Respondent Pending Final Determination

Upon receiving a report regarding sexual harassment, the Title IX Coordinator will make an immediate assessment concerning the health and safety of the Complainant and campus community as a whole. The district has the right to order emergency removal of a Respondent, or if the Respondent is an employee, place the employee on administrative leave.

Emergency removal

The district may remove a non-employee Respondent from the district's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

The district may not use emergency removal to address a Respondent's threat of obstructing the sexual harassment investigation or destroying relevant evidence. Emergency removal is only available to address health or safety risks against individuals arising out of sexual harassment allegations, not to address other forms of misconduct that a Respondent might commit pending the processing of a complaint.

The district's Title IX Coordinator and Behavioral Intervention Team, in partnership with other campus personnel, will conduct an individualized safety and risk analysis.

If it is determined that emergency removal is appropriate, the Respondent shall be provided with notice and opportunity to attend a meeting and challenge the basis of their removal. The Title IX Coordinator or designee will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

Statement that the R

If the district dismisses the formal complaint or any allegations, the Title IX Coordinator shall simultaneously provide the Parties with written notice of the dismissal and reason. The district will also notify the Parties of their right to appeal.

The district may commence proceedings under other policies and procedures after dismissing a formal complaint under Title IX.

Consolidation of Formal Complaints

The district may, but is not required to, consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other P

The grievance process, including conducting hearings, appeals, and informal

Use of Privileged Information

The district's formal complaint procedure does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally-recognized privilege (e.g., attorney-client privilege, doctor-

Both Parties have the right to have an Advisor present at every meeting described in this section.

Trained investigators

The district will investigate Title IX formal complaints fairly and objectively. Individuals serving as investigators under this procedure will have adequate training on what constitutes sexual harassment and how the district's grievance procedures operate. The district will also ensure that investigators receive training on issues relevant to create an investigative report that summarizes relevant evidence and complies with this procedure.

Burden of Gathering Evidence

The district, not the Parties, has the responsibility to gather information and interview witnesses. As part of the district's burden of gathering evidence, the district's investigator will create an investigative report that fairly summarizes relevant evidence, whether it is inculpatory or exculpatory. The investigator shall not make findings or determinations of law or fact.

Student Complainants should be aware that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing, if a hearing is required under this procedure.

Evidence of Past Sexual History

An investigator or Decision-Maker shall not consider the past sexual history of the Complainant except in the limited circumstances described below:

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HEARING PROCESS

After completing an investigation, and prior to completing a determination regarding responsibility, the d

The Decision-Maker must receive training on issues of relevance, how to apply the rape-shield protections for Complainants, and any technology to be used at the hearing.

Presenting Witnesses

The district will provide the Complainant and Respondent an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Witnesses, like Parties, are not required to participate in the live hearing process.

Only relevant evidence will be admissible during the hearing. Relevant evidence means evidence, including evidence relevant to the credibility of a Party or witness, having any tendency in reason to prove or disprove any disputed fact material to the allegations under investigation.

Generally, the Parties may not introduce evidence, including witness testimony, at the hearing that the Party did not identify during the investigation and that was available at the time of the investigation. However, the Decision-Maker has discretion to accept for

The Decision-Maker cannot draw an inference about the determination of responsibility based solely on a Party's or witness's absence from the live hearing or refusal to submit to cross-examination or to answer any question.

The Decision-Maker may also ask any Party or witness questions. If a Party or witness refuses to respond to a Decision-Maker's questions, the Decision-Maker is not precluded from relying on that Party or witness' statements.

Determinations of Responsibility

When the Decision-Maker makes a determination of responsibility or non-responsibility, the Decision-Maker will issue a written determination regarding responsibility, no later than 20 calendar days after the date that the hearing ends.

When making a determination regarding responsibility, a Decision-Maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. A Decision-Maker may not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness. In evaluating the evidence, the Decision-Maker will use the preponderance.²³ 0 Td ()Tj 0.004 Tcre evC0aluat

A statement of whether the district will provide the Complainant with remedies designed to restore or preserve equal access to the district's education program or activity;

The district need not disclose to the Respondent remedies that do not affect them as part of the written determination. The district can inform the Respondent that it will provide remedies to the Complainant. However, the district will inform the Complainant of the intended sanctions/resolutions against the Respondent;

The district's procedures and permissible bases for the Complainant and Respondent to appeal.

The district will provide the written determination to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the Parties with the written determination of the result of the appeal, if the Parties file an appeal, or if the Parties do not file an appeal, the date on which an appeal would no longer be timely.

DISCIPLINARY SANCTIONS , RESOLUTIONS, AND REMEDIES

The district must have completed the grievance procedures (investigation, hearing, and any appeal, if applicable) before imposing disciplinary sanctions or any other actions that are not supportive measures against a Respondent. If the Decision-Maker determines the Respondent was responsible for conduct that constitutes sexual harassment, the district will take disciplinary action against the Respondent and any other remedial action it determines to be appropriate. The action wi ac 0 Tw (d)Tj >eNa(ac)4 (t)2 wd a

Possible student conduct outcomes or resolutions for student Respondents include written or verbal warnings, educational or restorative resolutions, student conduct probation, suspension, withdrawal of consent to remain on campus, restricted access to district property, expulsion, and other resolutions outlined in Administrative Procedure 5520: Student Conduct Procedures. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay, demotion, suspension, or discharge.

APPEA

TRAINING

The district will provide a comprehensive trauma-informed training program to Title IX Coordinators, investigators, Decision-Makers, and any individual who facilitates an informal resolution process, on the definition of sexual harassment, the scope of the district's education program or activities, best practices for assessment of a sexual harassment complaint, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, bias, and implicit bias and racial inequities, both broadly and in school disciplinary processes. Any materials used to train the district's Title IX Coordinator, investigators, Decision-Makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment. Materials for this training must include statistics on the prevalence of sexual harassment and sexual violence in the educational setting, and the differing rates at which students experience sexual harassment and sexual assault in the educational setting based on their race, sexual orientation, disability, gender, and gender identity.

The district will provide Officials with Authority with training regarding his/her/their obligation to report sexual harassment and instruction on how to report sexual harassment to the Title IX Coordinator.

File Retention

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The district will make these documents available to the U.S. Department of Education