



Enterprise State Community College Title IX & Sex Discrimination Policy

Introduction

Enterprise State Community College (“College”) addresses the requirements of Title IX of the Education Amendments of 1972 ("Title IX") federal law that protects people from discrimination based on sex in education programs or activities that receive 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.”

Policy Statement

It is the policy of the College to provide an educational and employment environment free of all forms of discrimination or harassment. Discrimination or harassment based upon one’s race, color, religion, national origin, gender identity, sexual identity, age, genetic information, veteran status, or disability as defined in this policy and as otherwise prohibited by state and federal statutes is prohibited at the College. Sexual harassment, including acts of sexual assault, sexual violence, domestic violence, dating violence, stalking and sexual exploitation/misconduct, is a form of sex discrimination and is prohibited at the College. This policy applies to all College students, faculty, staff, other members of the College community, and non-employee third parties who are doing business or providing services to the College.

Commitment to Address Title IX Reports of Violations

Enterprise State Community College is committed to providing an environment that is safe and conducive for learning and employment. Any behavior that threatens this environment is a violation of College policy. All members of the College community are strongly encouraged to report any incident of sexual harassment, sexual assault, sex offenses, sexual exploitation, dating violence, stalking, intimate partner violence, and domestic violence directly to the appropriate Title IX Coordinator. Violations may also be reported to any “responsible employee” as outlined in this policy.

Upon receipt of a report, the College will take prompt and effective action by providing interim remedies to issues that threaten the safety and security of the victim and offering appropriate support. Additionally, the College will conduct a thorough review and investigation in an effort to address the alleged policy violation.

Retaliation against any person who makes a complaint or participates in the complaint process is a violation of College policy, and should be reported to the appropriate Title IX Coordinator. A finding of

retaliation may result in disciplinary action in addition to any sanctions that may be imposed as a result of the underlying allegations of discrimination and/or harassment. Violations of this Policy may result in the imposition of sanctions up to, and including, termination, dismissal, or expulsion, as determined by the appropriate officials at the College.

Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited.

Jurisdiction of the Policy

This policy applies to related conduct occurring on College campuses and sites, College property or at College-sanctioned events or programs that may take place off campus. In particular, off-campus conduct that is likely to have a substantial adverse effect on or poses a threat of danger to any member of the College community or the College as a whole is covered under this policy.

Individuals Covered by the Policy

The policy applies to all members of the College community, including students, faculty, staff, administrators, volunteers, vendors, independent contractors, visitors and any individuals regularly or temporarily employed, studying, conducting business or having any official capacity with the College or on College property.

Title IX Coordinators & Responsibilities

Any inquiries regarding this policy should be directed to one or more of the Title IX Coordinators identified below. These Coordinators will be available to meet with students and employees regarding issues relating to Title IX and this policy.

The Title IX Coordinator is responsible for implementing and monitoring compliance of the policy on behalf of the College. This includes responsibility for training, education, communication and administration of grievance procedures for the handling of complaints alleging violations of this policy.

Title IX Coordinator for Students

Dr. Felisha Ford
Director of Counseling
Lurleen B. Wallace Student Center, Suite 102
fford@esc.edu
334-347-2623 ext. 2293

Title IX Coordinator for Employees

Ms. Jessica Herbster
George C. Wallace Administration Building, Room 121
jherbster@esc.edu
334-347-2623 ext. 2222

Prohibited Conduct & Definitions

The College prohibits all forms of sexual and gender-based harassment, including sexual harassment, sexual assault, sex offenses, sexual exploitation, dating violence, stalking, intimate partner violence, and domestic violence. Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and it can occur between individuals of the same or different gender. The listing of these examples does not preclude nor set aside the College's formal codes of conduct listed elsewhere in College publications, handbooks, or addendums to the like. Violations of the College's codes of conduct may not constitute a violation of this policy but would be addressed under the proper College codes such as those found in the Catalog and Student Handbook, Student Code of Conduct, or other applicable policies. Each of the terms defined herein encompasses a broad range of behaviors. Within these broad contexts, the College prohibits the following conduct:

Discriminatory Harassment

Discriminatory harassment is unwelcome verbal or physical conduct based on race, color, religion, national origin, sex, gender identity, sexual orientation, age, genetic information, veteran status, or disability, when:

Such conduct has the purpose or effect of unreasonably interfering with the individual's work or educational performance;

Such conduct creates or has the intention of creating an intimidating, hostile, or offensive working and/or learning environment; or

Such conduct unreasonably interferes with or limits one's ability to participate in or benefit from an educational program or activity.

Harassing conduct includes, but is not limited to the following:

Epithets, slurs, jokes, negative stereotyping or threatening, intimidating or hostile acts that relate to a person's race, color, religion, gender, national origin, age or disability;

Written or graphic material which demeans or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age or disability and is posted on walls, bulletin boards, e-mail or elsewhere at the College; or when

Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual's employment.

The terms intimidating, hostile and offensive are interpreted according to legal standards as determined by the law and are viewed from the perspective of a reasonable person in similar circumstances as the complainant.

Sex Discrimination

Sex discrimination includes, but is not limited to the following:

Making a distinction in favor of, or against, a person on the basis of sex rather than on individual merit in an educational setting;

Making a distinction on the basis of sex that deprives a person of the ability to participate in or benefit from the college's education program or activities; or

Treating someone less favorably because of his or her connection with an organization or group that is generally associated with people of a certain sex.

Gender-Based Harassment

Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the College's education or work programs or activities.

For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this policy.

Sexual Harassment

Sexual harassment is conduct that is sexual in nature, is unwelcome, and denies or limits a student's ability to participate in or benefit from a school's education program.

Sexual harassment can take different forms depending on the harasser and the nature of the harassment. The conduct can be carried out by school employees, other students, and non-employee third parties, such as a visiting speaker. Both male and female students can be victims of sexual harassment, and the harasser and the victim can be of the same sex.

The conduct can occur in any school program or activity and can take place in school facilities, on a school bus, or at other off-campus locations, such as a school-sponsored field trip or a training program at another location. The conduct can be verbal, nonverbal or physical.

Examples of sexual harassment include, but are not necessarily limited to, 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 gender, sexuality or sexual experience. Sexual harassment may consist of repeated actions or may even arise from a single incident if sufficiently extreme. The complainant and the accused may be of either gender and need not be of different genders.

Sexual Assault/Sexual Violence

Sexual assault/sexual violence is a particular type of sexual harassment that includes, but is not necessarily limited to, non-consensual sexual contact, non-consensual sexual intercourse, physical assaults of a sexual nature, such as rape, sexual assault, sexual battery, domestic violence, dating violence, stalking or attempts to commit these acts or other physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

Non-Consensual Sexual Contact

Non-consensual sexual contact is any intentional sexual touching, however slight, with any object, by a man or woman upon a man or woman that is without consent and/or by force.

Sexual Contact includes intentional contact with the breasts, buttocks, groin or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts or any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

Non-Consensual Sexual Intercourse

Non-consensual sexual intercourse is any sexual intercourse, however slight, with any object or body part, by a man or woman upon a man or a woman, that is without consent and/or by force.

Intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Domestic Violence

Domestic violence is a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Dating Violence

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Stalking

Stalking is defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

Hazing

Hazing includes but is not limited to any act directed toward an individual, or any coercion or intimidation of an individual to act or to participate in something which a reasonable person would perceive is likely to cause physical or psychological injury and where such act is a condition of initiation into, admission into, continued membership in or association with any group whether that group is a formal or informal entity.

Sexual Exploitation/Sexual Misconduct

Sexual exploitation/sexual misconduct occurs when a student/employee takes non-consensual or abusive sexual advantage of another.

Examples of sexual exploitation and sexual misconduct include, but are not limited to:

- Invasion of sexual privacy
- Prostituting another student
- Non-consensual video or audio-recording or broadcasting or sharing of sexual activity
- Engaging in voyeurism
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals
- Sexually-based stalking and/or bullying
- Use or display in the classroom or any facility of the College, including electronic, of pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical justification

- Sexual activity with someone whom one should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated (by alcohol or other drug ingestion, unconsciousness or blackout), constitutes a violation of this policy
- Sexual activity with someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of drugs
- Sexual activity of any kind with anyone under the age of 18

Use of alcohol or drugs will never function as a defense for any behavior that violates this policy.

Other Definitions and Terms

Consent

Consent is an act of reason and deliberation. A person who possesses and exercises sufficient mental capacity to make an intelligent decision demonstrates consent by performing an act recommended by another. In the matter of sexual misconduct, consent is a voluntary agreement to engage in sexual activity by an individual who has the capacity to do so. Someone who is incapacitated cannot provide consent. Past consent does not imply future consent; silence or an absence of resistance does not imply consent; consent to engage in sexual activity by one person does not imply consent to engage in sexual activity with another; the manner in which an individual is dressed does not imply consent; the existence of a prior or current relationship does not imply consent; accepting a meal, a gift, or invitation for a date does not imply or constitute consent to further activity; consent can be withdrawn at any time (no means no); and coercion, force, or threat of either invalidates consent.

Incapacitation

Incapacitation is a state or condition that renders an individual unable to make qualified and rational decisions (i.e., a condition resulting from the use of drugs or alcohol, when a person is asleep or unconscious or because of an intellectual or other disability that prevents him/her from having the capacity to give consent.)

Victim

A person who has been the subject of a prohibited conduct, regardless of whether that individual makes a complaint or seeks disciplinary action.

Complainant

A victim who has made a complaint of a violation of the Title IX and Sex Discrimination Policy, or on whose behalf a complaint was made or disciplinary action initiated.

Respondent

The individual(s) who is accused of a prohibited conduct.

Confidentiality

The College is committed to protecting the privacy of all individuals involved in a report of Title IX and sex discrimination. All College employees who are involved in the College's Title IX response process have received specific instructions about respecting and safeguarding private information. Throughout the

process, every effort will be made to protect the privacy of all individuals involved in a manner that allows the College to conduct a thorough review of the issue.

“Responsible Employees”

A “responsible employee” is a College employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or sex discrimination, or who a student could reasonably believe has this authority or duty. Responsible employees at the College include:

- Title IX Coordinator
- Campus Police Officers
- Faculty, Staff, and Administrators

When a victim tells a responsible employee about an incident of sexual misconduct or violence, the victim has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must refer the complainant to the Title IX Coordinator and report to the Title IX Coordinator any relevant details about the alleged sexual violence shared by the victim. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College’s response to the report.

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee’s reporting obligations. If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim’s request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim’s wishes, including requesting that the College fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to do so.

Requesting Confidentiality from the College

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College’s obligation to provide a safe, non-discriminatory environment for all students, faculty, and staff, including the victim. Although rare, there are times when the College may not be able to honor a victim’s request. This is the case when safety and security is a factor. If the College honors the request for confidentiality, a victim must understand that the College’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. In all cases of sexual violence that are a crime, the College has an obligation to include the incident in its annual security report in accordance with the Clery Act requirements.

It shall be the responsibility of the Title IX Coordinator to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence. When weighing a victim’s request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as whether:

- There have been other sexual violence complaints about the same alleged perpetrator;
- The alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- The alleged perpetrator threatened further sexual violence or other violence against the victim or others;
- The sexual violence was committed by multiple perpetrators;
- The sexual violence was perpetrated with a weapon;
- The victim is a minor;
- The College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence); and/or
- The victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors are present, the College will likely respect the victim's request for confidentiality.

If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and will work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated. The College may not require a victim to participate in any investigation or disciplinary proceeding.

The College will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus through the Title IX Coordinator;
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and/or
- Inform the victim of the right to report a crime to campus police or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

Because the College is under a continued obligation to address issues of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the College determines that it can respect a victim's request for confidentiality, the College will also take immediate action as necessary to protect and assist the victim.

Privacy and Confidentiality Defined

Privacy and confidentiality have distinct meanings under this policy.

Privacy

Privacy generally means that information related to a report of Title IX violation will only be shared with a limited circle of individuals. The use of this information is limited to those College employees who “need to know” in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

Requests for Confidentiality

Where a complainant requests that his/her name or other identifiable information not be shared with the Title IX officers or requests that no formal action be taken, the College will balance this request with its dual obligation to provide a safe and non-discriminatory environment for the College community and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against the accused. In making this determination, the College may consider the seriousness of the conduct, the respective ages and roles of the complainant and the accused, whether there have been other complaints or reports of harassment or misconduct against the accused, and the rights of the accused to receive notice and relevant information before disciplinary action is sought. The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the complainant. Where the College is unable to take action consistent with the request of the complainant, the Title IX Coordinator will inform the complainant about the chosen course of action, which may include the College seeking disciplinary action against the accused. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against the accused or revealing the identity of the complainant.

Ongoing Assistance

The Title IX Coordinator and Director of Counseling at the College will assist victims of sex discrimination/sexual violence with ongoing support by providing appropriate counseling referral services. Students will be assisted with any academic accommodations that may be necessary including, but not limited to, schedule modifications, withdrawal from class, modifications in work-study schedules, etc.

Grievance Procedures: Reporting and Investigation

Reporting

A student, faculty member or staff member who has a complaint against a student, faculty, staff member or other individual involving a suspected violation of this policy or of retaliation should contact the appropriate Title IX Coordinator. Incidents may also be reported to any Responsible Employee at any time; however, individuals are encouraged to report incidents within ten (10) working days of an alleged violation. This will maximize the College’s ability to effectively investigate and act upon an alleged

violation. If the complaint is about the designated Title IX Coordinator, the complaint will be sent directly to the President's Office. The President will assign the complaint to another administrator.

The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to sex discrimination/sexual violence complaints. The 10-day request is in no way intended to limit a complainant's right to assistance after that time period but rather is to ensure a timely resolution of any complaint.

Filing a Criminal Report

Persons who wish to file a criminal report may contact the Enterprise State Community College Campus Police at 334-447-6555 or 334-447-7564.

In case of an emergency, please call 911.

Investigation

The Title IX Coordinator will begin an investigation in partnership with other College officials, as deemed appropriate by the College. The investigation phase will be completed within sixty (60) days of the filing of a complaint.

As part of the investigation, the Title IX Coordinator will seek separate interviews with the complainant, the accused, and any witnesses to the greatest extent possible. To help ensure a prompt, fair, and thorough investigation, complainants are encouraged to provide as much of the following information as much as possible, including the following:

- The name, department, and position of the person or persons allegedly causing the discrimination, harassment or retaliation.
- A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses.
- The alleged effect of the incident(s) on the complainant's academic standing, educational benefits or opportunities, position of employment, salary, employee benefits, promotional opportunities, or other terms or conditions of employment.
- The names of other students or employees who might have been subject to the same or similar discrimination, harassment or retaliation.
- Any steps the complainant has taken to try and stop the discrimination, harassment, or retaliation.
- Any other information the complainant believes to be relevant to the alleged discrimination, harassment, or retaliation.

The accused also is encouraged to provide as much information as possible in connection with the investigation.

Resolution of a Filed Grievance

The Title IX Coordinator in partnership with other College officials, as deemed appropriate by the College, will review the information gathered in the investigation process and determine next steps. The resolution process typically includes the following elements, which may be modified by the College in its discretion to fit the circumstances of a particular case:

- The Title IX Coordinator will be responsible for an investigation either alone or with one or more other school officials as deemed appropriate by the College and as outlined above.

- Once the investigation is concluded, the Title IX Coordinator will prepare a report of the investigation and a determination of "violation" or "no violation" as well as what the recommended corrective actions and remedies appropriate for the determination, if warranted, will be. Unless the report is questioned or appealed, the report will stand as the resolution.
- The standard for determining responsibility that will be used to determine whether this policy has been violated is whether it is more likely than not that sexual discrimination or violence occurred. This is often referred to as a "Preponderance of the Evidence" standard.
- Appropriate, corrective action/remedies by the College will serve to: eliminate the policy violation, prevent the recurrence of the violation, and address the effects of the violation (in accordance with the Grievance Procedures contained herein).
- Within seven (7) days of the conclusion of the investigation, both the complainant and the accused will be informed in writing by the Title IX Coordinator of the outcome of the investigation. The letter will state the ruling of "violation" or "no violation" of the policy and any corrective actions/remedies that will be put into place. This written notice will be issued concurrently to the complainant and the accused.

Allegations of sexual assault or sexual violence will not be resolved by mediation.

Sanctions and Recommendations for Violation of Title IX For Students

Reprimand

Written notice that continuation or repetition of improper conduct may be cause for further disciplinary action.

Restitution

Compensation for damages to property owned by the College, limited to actual cost of repair or replacement.

Probation

This sanction is for a designated period of time, which may include exclusion from privileges, such as extracurricular activities and/or on-campus driving privileges. Furthermore, if the student is determined by any of the disciplinary procedures herein to be in subsequent violation of the Code of Student Conduct during the probationary period, the student may be either suspended or expelled. Provisions of the probationary period shall be determined and expressed by the Title IX Coordinator.

No Contact Orders

Written notice to cease all contact with an alleged victim of sexual misconduct.

Cease and Desist Orders

The alleged perpetrator will be directed by written notice to cease and desist any activity noted by the alleged victim as offensive or threatening and that may be a violation of the Title IX & Sex Discrimination Policy.

Voluntary Withdrawal

A student may be given the option to voluntarily withdraw from a class or from the College in lieu of disciplinary action. The Title IX Coordinator, in some circumstances, may specify a period of time before the student may apply for readmission or reenroll in a class or classes. To qualify for readmission, the student must receive approval from the Dean of Instruction and meet the academic standards for readmission. Students will not be eligible for any refund from the College. (If a student withdraws before disciplinary procedures are carried out, the student will be subject to discipline as may be imposed by the designated College official at the time of reentry into the College).

Suspension

Separation from the College for a definite period of time. A student may be suspended for a specific period of time not to exceed two (2) years. To qualify for readmission after suspension, a student must receive approval from the Dean of Instruction and meet all reasonable requirements and academic standards for readmission. Students will not be eligible for any refund from the College.

Expulsion

An indefinite termination of student from the College for a period of not less than two (2) years. To qualify for readmission after expulsion, a student must receive approval from the Dean of Instruction and meet all reasonable requirements and academic standards for readmission. Students will not be eligible for a refund from the College. Under certain conditions, expulsion could mean permanent severance from the College.

Other Requests of the victim as deemed appropriate.

Sanctions and Recommendations for Violation of Title IX For Employees

For violations of this policy by faculty or staff members, disciplinary penalties (in accordance with the employment laws, regulations, and policies governing the employee in question) may include:

- Counseling or training;
- Written warning;
- Reprimand;
- Suspension with or without pay;
- Demotion;
- Termination;
- Other requests of the victim as deemed appropriate.

Interim Protective Measures

The College reserves the right to suspend or place on immediate administrative leave any member of the campus community accused of violating this policy, or to take any other interim measures the College deems appropriate, pending the outcome of an investigation and/or disciplinary proceedings. Such interim measures can include, but are not limited to, placing an employee on paid or unpaid administrative leave, removing a student from campus and/or current classes, modifying course schedules, and issuing a "no contact" order, among many other remedies.

Prohibition Against Retaliation

Retaliation exists when action is taken against a participant in the complaint process that adversely affects the individual's employment or academic status and is motivated in whole or in part by the individual's participation, or lack thereof, in the complaint process.

No individual involved in a complaint alleging a violation of this policy or participating in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation. Any acts of retaliation, as defined in this policy, shall be grounds for disciplinary action, up to and including expulsion/dismissal for students and termination/dismissal for faculty and staff.

Appeals

Appeals must be requested in writing to the Title IX Coordinator within seven (7) days of receipt of a written outcome of an investigation. The appeals process is outlined below:

1. Either party may appeal the decision of the investigation in writing to the Title IX Coordinator within seven (7) days of receiving the written notice.
2. Appeals must include relevant new information for consideration. This would include information that was unavailable at the time of the decision, concerns about procedural errors or concerns about the level of sanction imposed according to the policies of the College. Disagreement with the findings of an investigation is not sufficient grounds for appeal.
3. The Title IX Coordinator will carry the appeal with the documentation of all previous proceedings to the President of the College or her designee. The President or her designee will be the final arbiter on all appeals of rulings of violation of the Policy. The President or her designee will lead an Appeals Committee made up of herself and two other administrators who have otherwise not been previously involved in the complaint.
4. The Appeals Committee may request written submissions from either party or consider any other information as deemed appropriate by the school. Both parties will be informed in writing of the outcome of any appeal within fourteen (14) days of the date by which all requested information is received unless the College determines that additional time is required.

Rights and Complaints of Accused Parties

Complainants and accused parties shall be provided with the following in connection with any proceeding used to reach a decision regarding whether any violation of this Policy has occurred.

Rights of Complainants

- The opportunity/right to speak on one's own behalf;
- To be accompanied by an advisor or support person who may take notes and advise the complainant, but not otherwise participate;
- To present witnesses who can speak about the alleged conduct at issue;
- To present other evidence on one's own behalf;

To be informed of the outcome of the investigation or other proceeding;
And to appeal the outcome of the proceeding.

Rights of Accused Parties

The right to a written explanation of the alleged violations of this policy;

The opportunity/right to speak on one's own behalf;

To be accompanied by an advisor or support person who may take notes and advise the accused, but not otherwise participate;

To present witnesses who can speak about the alleged conduct at issue;

To present other evidence on one's own behalf;

To be informed of the outcome of the investigation or other proceeding;

And to appeal the outcome of the proceeding.