

COLUMBUS STATE COMMUNITY COLLEGE  
POLICY AND PROCEDURES MANUAL

---

SEXUAL MISCONDUCT

Effective October 1, 2015

Procedure 3-44 (A)

Page 1 of 8

(1) INTRODUCTION

- (a) This procedure outlines the process the College will follow when it receives notice of an allegation of sexual misconduct. The College's adherence to this procedure does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA).
- (b) For purposes of this procedure, sexual misconduct is any unwelcome behavior of a sexual nature or behavior based on sex or gender that is severe or pervasive and interferes with a person's ability to pursue the terms and conditions of employment or with academic or athletic attainment. Sexual misconduct, includes, but is not limited to, sexual violence, such as domestic violence, dating violence, sexual assault and gender-based stalking.
- (c) The victim of the alleged sexual misconduct also is referred to as the complainant.
- (d) The person accused of the alleged sexual misconduct also is referred to as the respondent.

(2) REPORTING SEXUAL MISCONDUCT

If a person feels s/he is in immediate danger, s/he is strongly encouraged to call 911 or, if s/he is on the main campus, the Columbus State Police Department at (614) 287-2525.

The College's preferred reporting method for anyone who believes that an administrator, supervisor, employee, faculty member, student or non-employee's behavior constitutes sexual misconduct is through the College's secure online report form which is accessible at <http://csc.edu/services/title-ix/#submitting>. This form is automatically sent to the Title IX Coordinator and Deputy Title IX Coordinators within the Equity and Compliance Unit. A member of the Equity and Compliance Unit will respond to electronically submitted reports within two (2) business days.

Students also may report alleged sexual misconduct directly to the Title IX Coordinator or a Deputy Title IX Coordinator, the Columbus State Police, Dean of Student Life, Director of Student Conduct, Student Conduct Program Coordinator, another academic administrator, faculty member or an athletic manager or coach.

COLUMBUS STATE COMMUNITY COLLEGE  
POLICY AND PROCEDURES MANUAL

---

SEXUAL MISCONDUCT

Effective October 1, 2015

Procedure 3-44 (A)

Page 2 of 8

Employees also may report directly to the Title IX Coordinator or a Deputy Title IX Coordinator, the Columbus State Police, a supervisor, director, chairperson, another administrator or an employee of Human Resources.

When reporting sexual misconduct, the complainant has a number of options, including:

- The option to notify College law enforcement and local law enforcement
- The option to receive assistance from College officials in notifying law enforcement
- The option not to notify law enforcement
- The option to seek a protection order and/or other legal orders
- The option to seek medical attention
- The option to consider information given about the importance of preserving evidence in the event of a criminal prosecution
- The option to contact a licensed counselor

These options are outlined at: <http://csc.edu/services/title-ix/sexual-misconduct.shtml>.

A person who experiences sexual misconduct has the option to report anonymously through the online report form; however, the College's investigation and response to anonymous complaints likely will be limited. If the anonymous report includes a crime, it will be counted in the College's crime statistics.

To the extent permissible under law, the College will protect the privacy of the person who experienced the alleged sexual misconduct. Privacy interests of the complainant are balanced with the College's legal obligations under state and federal law, its need to protect the College community and the College's requirement to ensure that appropriate disciplinary processes are implemented. Information on how the College will protect the privacy of complainants and respondents as appropriate and required by law is found here: <http://csc.edu/services/title-ix/privacy-info.shtml>. This includes information on how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the complainant, to the extent permissible by law. Complainants who desire complete confidentiality may speak with a licensed counselor. Information about this option is found at: <http://csc.edu/services/title-ix/resources.shtml>.

COLUMBUS STATE COMMUNITY COLLEGE  
POLICY AND PROCEDURES MANUAL

---

SEXUAL MISCONDUCT

Effective October 1, 2015

Procedure 3-44 (A)

Page 3 of 8

(3) INVESTIGATORY PROCESS

Initial Evaluation

- (a) The Title IX Coordinator and/or a Deputy Title IX Coordinator will meet with the complainant to assess his/her immediate needs and offer accommodations and interim measures as appropriate. Information about interim measures is found here: <http://cscce.edu/services/title-ix/interim-measures.shtml> and information about available resources is found here: <http://cscce.edu/services/title-ix/resources.shtml>. The complainant also will be informed of his/her options to pursue an administrative and/or criminal investigation.
- (b) The Title IX Coordinator or designee will perform an initial evaluation to determine 1) if there is sufficient information to suggest that the allegation(s) is appropriate for review by the Equity and Compliance Unit and 2) whether sufficient information exists to warrant interim measures on behalf of the complainant and/or College which are reasonably available and appropriate.
- (c) If the respondent is not affiliated with the College as a student or employee, the College's response is limited because the College does not have authority over the respondent. In this situation, the College is unable to perform a formal investigation, but the Title IX Coordinator will take steps to enhance the complainant's safety and the safety of the College community by providing resources and collaborating with the appropriate College departments.

Investigation

- (a) If the Title IX Coordinator determines that the allegation(s) is appropriate for an administrative investigation and the complainant consents to participating or the College has a compelling reason to proceed without the complainant's consent, the Title IX Coordinator will initiate a prompt, fair and impartial investigation and resolution. This procedure will be conducted by officials of the College who receive annual training on the issues related to sexual misconduct and how to conduct an investigation and a hearing process that protects the safety of victims and promotes accountability.

COLUMBUS STATE COMMUNITY COLLEGE  
POLICY AND PROCEDURES MANUAL

---

SEXUAL MISCONDUCT

Effective October 1, 2015

Procedure 3-44 (A)

Page 4 of 8

- (b) Officials assigned by the Title IX Coordinator will interview both parties and any relevant witnesses. Both parties will have the opportunity to furnish documentation and other evidence to the investigators.
- (c) Using the preponderance of the evidence standard, the Deputy Title IX Coordinators will write a report summarizing the investigation and findings and present the report to the Title IX Coordinator for review and approval.

Rights, Options and Available Services for the Complainant and Respondent

- (a) Any student, employee or third party who reports that they have experienced domestic violence, dating violence, sexual assault or gender-based stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of his/her rights, options and available services. The respondent also shall be provided written notice of the same information. These rights and options include the opportunity to access specific support services on campus and in the community, such as assistance with changing academic and working arrangements upon the respective party's request. Appropriate College officials will determine if the request is reasonable. Information about these rights, options and available services is accessible at <http://www.csc.edu/services/title-ix/rights-options.shtml>.
- (b) A complainant shall receive written notice of his/her rights and options regardless of whether s/he chooses to report to College police or local law enforcement and regardless of whether, after reporting to the Title IX Coordinator, s/he chooses to go forward with an administrative investigation.
- (c) In cases of domestic violence, dating violence, sexual assault and gender-based stalking, the complainant and the respondent are entitled to the opportunity to be accompanied to any related meeting or proceeding to address the allegation[s] by an advisor of their choice. Both parties will be informed of this during their first contact with an official from the Equity and Compliance Unit. The process for investigating allegations of sexual misconduct is the same whether the respondent is an employee, student or a third party over whom the College exercises authority. The process diverges in the resolution phase depending on the role of the respondent because of the differing hearing procedures for students and employees.

COLUMBUS STATE COMMUNITY COLLEGE  
POLICY AND PROCEDURES MANUAL

---

SEXUAL MISCONDUCT  
Procedure 3-44 (A)  
Page 5 of 8

Effective October 1, 2015

A respondent who is a third party to the College may not be entitled to a hearing; therefore, a decision of whether the College will continue its relationship with the third party will be made based on the initial evaluation of the allegation or formal investigation as appropriate.

(4) RESOLUTION

Post-Investigation for Employees

- (a) For employee respondents, the Deputy Title IX Coordinator(s) conducting the investigation will determine if a violation occurred. The Title IX Coordinator oversees the finding(s) with the authority to correct an obviously wrong finding(s). If the Title IX Coordinator agrees with the finding(s) and there was a violation of College policy, s/he will determine the appropriate remedy, which will likely include a disciplinary recommendation. The case is then referred to the Assistant Director of Employment Services and/or the Human Resources Business Partner for an administrative hearing based on the investigative report.

The disciplinary process for employees is accessible in College Policy 3-32, "Disciplinary Action" and Procedure 3-32 (C), "Disciplinary Action" accessible at <http://www.csc.edu/about/policy/>. Additionally, employees who are members of a bargaining unit are advised to consult the applicable bargaining unit agreement.

- (b) Both the complainant and the respondent will be simultaneously informed in writing of the following: the outcome of the investigation and any subsequent hearing that arises from an allegation of sexual violence, the procedures for the parties to appeal the results of the College's disciplinary proceeding, any change to the results that occurs prior to the time that such results become final and when such results become final.

For reports of sexual misconduct other than sexual violence, both parties will receive written notification of the outcome to the extent noted above. Reasonable efforts will be made to deliver the outcomes contemporaneously.

Post-Investigation for Students

- (a) For student respondents, if the Deputy Title IX Coordinator(s) conducting the investigation believe that a violation of College policy occurred, they will forward their recommendation to the Title IX Coordinator.

COLUMBUS STATE COMMUNITY COLLEGE  
POLICY AND PROCEDURES MANUAL

---

SEXUAL MISCONDUCT

Effective October 1, 2015

Procedure 3-44 (A)

Page 6 of 8

The Title IX Coordinator oversees the recommendation with the authority to correct an obviously wrong recommendation(s). If the Title IX Coordinator agrees with the recommendation of a policy violation, he/she will refer the case to the Office of Student Conduct for a formal hearing with a recommended finding of a policy violation. If the Deputy Title IX Coordinator[s], in consultation with the Title IX Coordinator, does not recommend a finding of a policy violation, the Equity and Compliance Unit will inform the Office of Student Conduct of this finding and close the case.

- (b) If a finding of a policy violation is recommended, an official from the Office of Student Conduct will schedule a hearing with trained, non-student board members. The board members will review the investigative report and impact statements from both the complainant and the respondent. The board members will direct any clarifying questions about the report to an investigator and/or to the respondent and complainant, as appropriate. The board will make a finding based on the preponderance of evidence in the report and answers to clarifying questions. If the board finds a violation of College policy, it will make a sanction recommendation to the Dean of Students.

Due to specific legal mandates and the nature of sexual misconduct, the Student Conduct process described above varies slightly from the conduct procedure in the Student Handbook. More information about the Student Conduct Process is accessible within the Student Handbook 7-10 (G), "Student Code of Conduct Procedure" accessible at

<http://www.csc.edu/resources/media/about/pdf/7-10G.pdf>.

Also, please see 7-10, "Student Code of Conduct Policy" accessible at

<http://www.csc.edu/resources/media/about/pdf/7-10.pdf>

- (c) Both the complainant and the respondent will be simultaneously informed in writing of the following: the outcome of the investigation and any subsequent hearing that arises from an allegation of sexual violence, dating violence, sexual assault or gender-based stalking, the procedures for the parties to appeal the results of the College's conduct proceeding, any change to the results that occurs prior to the time that such results become final and when such results become final.

For reports of sexual misconduct other than sexual violence, both parties will receive written notification of the outcome to the extent noted above. Reasonable efforts will be made to deliver the outcomes contemporaneously.

COLUMBUS STATE COMMUNITY COLLEGE  
POLICY AND PROCEDURES MANUAL

---

SEXUAL MISCONDUCT

Effective October 1, 2015

Procedure 3-44 (A)

Page 7 of 8

(5) APPEAL

The complainant or respondent may request an appeal within ten (10) calendar days of the notification of the outcome of the conduct process by writing to the Vice President/General Counsel (if the respondent is an employee or third party) or to the Vice President of Enrollment Management and Student Services (if the respondent is a student.) The written appeal request must clearly state the grounds for the appeal. Allowable grounds for appeal are 1) new and compelling evidence that was not available at the time of the investigation and any following proceeding or 2) a procedural error that substantially impacted the findings. Disagreement with the results is not sufficient grounds for an appeal.

If the Vice President grants an appeal request, a new investigation or hearing does not occur; the appeal is a review of the record. The Vice President will review the investigation report and accompanying evidence to determine whether the evidence supports the results and whether College procedure was followed. The Vice President will give his/her decision within ten (10) calendar days. The Vice President's decision on the appeal is final and binding.

Due to specific legal mandates and the nature of sexual misconduct, the Student Conduct process for submitting an appeal described above varies slightly from the conduct procedure in the Student Handbook. More information about the Student Conduct Process is accessible within the Student Handbook 7-10 G, "Student Code of Conduct Procedure."

(6) SANCTIONS

Not every case of sexual misconduct is alike in severity; therefore, the College reserves the right to consider a range of reasonable sanctions. This range includes mandatory training, mandatory counseling, receiving a reprimand in the course of employment, disciplinary probation, removal from a course, ban from College property, revocation of admission, revocation of degree, suspension and/or expulsion or termination. Sexual violence, namely sexual assault or gender-based physical violence, that is substantiated will likely result in suspension or permanent removal from the College for respondents, whether they are students or employees. A complete list of possible sanctions for students for Student Code of Conduct violations is available within 7-10 (G), "Student Code of Conduct Procedure."

COLUMBUS STATE COMMUNITY COLLEGE  
POLICY AND PROCEDURES MANUAL

---

SEXUAL MISCONDUCT

Effective October 1, 2015

Procedure 3-44 (A)

Page 8 of 8

(7) TIMELINE

Sexual misconduct investigation and resolution proceedings under federal law (Title IX) are typically completed within sixty (60) calendar days from the date the College receives notice, exclusive of the appeals process. Extenuating circumstances may arise that require the extension of recommended timeframes, including extension beyond sixty (60) calendar days. Extenuating circumstances may include the complexity and scope of the allegation(s), the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening College break or vacation or other unforeseen circumstances. In the event that the investigation and resolution exceed the recommended timeframe, the College will notify the complainant and respondent of the reason(s) for the delay and the expected adjustment in timeframes.

(8) EDUCATION PROGRAMS

- (a) The College offers education programs to promote the awareness of sexual misconduct. These programs include both primary and ongoing prevention and awareness.

These programs include:

- A statement that the College prohibits the offenses of domestic violence, dating violence, sexual assault and gender-based stalking
- The legal definitions of domestic violence, dating violence, sexual assault and gender-based stalking in this jurisdiction
- The legal definition of consent in this jurisdiction
- Safe and positive options for bystander intervention to prevent harm or intervene when there is a risk of sexual misconduct
- Risk reduction information to recognize warning signs of abusive behavior and to provide guidance on how to avoid potential attacks
- An explanation of the procedures related to addressing allegations of sexual misconduct as described in Sections 2 - 7 of this procedure

- (b) Information about specific education programs is found at:

<http://www.csc.edu/services/title-ix/training.shtml>.

*New Procedure*