

COLUMBUS STATE COMMUNITY COLLEGE  
POLICY AND PROCEDURES MANUAL

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SEXUAL HARASSMENT/SEXUAL VIOLENCE

Effective August 14, 2020

Procedure 3-44 (A)

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(1) INTRODUCTION

This procedure outlines the process the College will follow when it receives notice of sexual harassment, sexual assault, dating violence, domestic violence, stalking and other types of Prohibited Conduct as defined below.

This procedure also addresses prohibited consensual sexual relationships, which are addressed separately in Section 21.

(2) JURISDICTION

This procedure applies to all students, employees, volunteers, vendors and visitors to the College.

This procedure applies to Prohibited Conduct that is reported to have occurred:

- (a) in connection with a College's education program or activity; or
- (b) on property owned or controlled by the College; or
- (c) using computer or internet networks, digital platforms or computer hardware or software owned or operated by, or used in the operations of, the College's programs or activities over which the College has substantial control; or
- (d) where the conduct is reported to have a continuing adverse effect on an educational program or activity of the College, including employment, regardless of where the conduct is reported to have occurred.

The College's response to Prohibited Conduct depends in part on its control over the respondent. This procedure applies when the respondent is a member of the College community, or was a member of the College community at the time of the alleged incident and intends to participate in an education program or activity of the College. However, if Prohibited Conduct is reported when the College does not have control over the respondent, the College will still work with the complainant regarding their options and appropriate supportive measures. The College also will consider whether it is appropriate to take any other actions to protect the safety of the College community under these circumstances.

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The elements established in this procedure have no effect and are not transferable to any other policy or procedure of the College except as narrowly defined in this procedure. This procedure does not set a precedent for other policies, procedures or processes of the College and may not be cited for or against any right or aspect of any other policy, procedure or process.

(3) NOTICE OF NON-DISCRIMINATION AND DESIGNATION OF TITLE IX COORDINATOR

The College does not discriminate in its education programs and activities, admissions or employment on the basis of sex, race, color, religion, national origin, ancestry, age, disability, genetic information (GINA), military status, sexual orientation, pregnancy, status as a parent of a young child or status as a foster parent or gender identity and expression. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972 and its implementing regulations (34 C.F.R. Part 106, as amended by 85 FR 30026 [May 2020]).

Sex Discrimination does not include where such differential treatment is explicitly permitted by federal law or regulations, such as where sex or gender is a bona fide occupational qualification reasonably necessary to the normal operation of the College, or where sex or gender is used to determine athletic participation or chorus participation.

This procedure prohibits certain conduct, referred to as Prohibited Conduct that includes Lewd/Obscene Conduct, Sexual Exploitation and Sexual Harassment (including sexual assault, dating violence, domestic violence and stalking). Prohibited Conduct under this procedure also is prohibited under the Clery Act as amended by the Violence Against Women Act, Title VII of the Civil Rights Act of 1964, Ohio Revised Code Chapter 4112 and other applicable statutes, regulations and administrative code provisions. The College will respond promptly in a manner that is not deliberately indifferent when the College has actual knowledge of Prohibited Conduct under this procedure.

This procedure sets forth the manner in which individuals can report or file a Formal Complaint of potential Prohibited Conduct, as well as the process that will be used to provide for the prompt and equitable resolution of such reports or Formal Complaints. Any person may report potential Prohibited Conduct, whether or not the person reporting is the person alleged to have experienced the Prohibited Conduct.

The College hereby designates and authorizes the following individual as the Title IX Coordinator to coordinate its efforts to comply with Title IX:

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Joan Cook  
Title IX Coordinator  
550 East Spring Street  
Columbus, Ohio 43215  
[jcook60@csc.edu](mailto:jcook60@csc.edu) / (614) 287-2636

Any inquiries or complaints concerning the application of Title IX may be referred to the Title IX Coordinator using the contact information above, or pursuant to Section 7 of this procedure. Questions or concerns about Title IX or the application of Title IX in this procedure also may be referred to the U.S. Department of Education's Office for Civil Rights at <https://ocrcas.ed.gov/contact-ocr>.

The Title IX Coordinator is responsible for managing the College's compliance with Title IX and the effective implementation of this procedure. Any references to the actions of the Title IX Coordinator in this procedure may be performed by the Title IX Coordinator or designee.

In addition to addressing complaints against a particular party, the Title IX Coordinator also facilitates the handling of reports that College policies or practices may discriminate on the basis of sex, gender identity, gender expression or sexual orientation. The Title IX Coordinator conducts an assessment of such concerns and, using procedures the Title IX Coordinator determines to be appropriate given the circumstances, works with the College to ensure that its policies and practices are compliant.

(4) NON-DISCRIMINATION IN APPLICATION

The requirements and protections of this procedure apply equally regardless of sex, race, color, religion, national origin, ancestry, age, disability, genetic information (GINA), military status, sexual orientation, pregnancy, status as a parent of a young child or status as a foster parent and gender identity and expression covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a complainant, respondent or witness. Individuals who wish to file a complaint about the College's procedure may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

(5) DEFINITIONS

- (a) Actual Knowledge - notice of Sexual Harassment or allegations of Sexual Harassment to the College's Title IX Coordinator or any of the following officials who have the authority to institute corrective measures on behalf of the College:

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- (i) Senior Director of Equity and Compliance
- (ii) Deputy Title IX Coordinators
- (iii) Employees of the Police Department
- (iv) Employees of Human Resources
- (v) Non-student employees of the Office of Student Conduct
- (vi) Athletic coaches and assistant coaches
- (vii) Administrative employees with managerial responsibilities, including all academic chairpersons

This standard is not met when the only official of the College to have knowledge is the respondent (see Section 9 of this procedure for further information about individuals who have the responsibility to report allegations).

- (b) Business Day - the hours between 8 a.m. and 5 p.m. Monday through Friday, excluding holidays and other times when the College is closed.
- (c) Calendar Day - the period from one midnight to the following midnight.
- (d) Coercion - a type of force that relies on unreasonable pressure for sexual activity against an individual's will. Coercion includes a wide range of behaviors which override the voluntary nature of participation in sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another.
- (e) Complainant - an individual who is alleged to have experienced conduct that could constitute Prohibited Conduct under this procedure.
- (f) Confidentiality - See Section 8 of this procedure.

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- (g) Consent - a freely and affirmatively communicated willingness to participate in sexual activity, expressed by clear, unambiguous words or actions. It is the responsibility of the initiator of the sexual activity to ensure that the initiator has the other person's consent to engage in sexual activity, throughout the entire sexual activity. At any time, a participant can communicate that they no longer consent to continuing the activity. Consent may never be obtained through the use of force, including coercion, or if the victim is mentally or physically incapacitated, including through the use of drugs or alcohol. Consent cannot be assumed based on the existence of a previous intimate relationship or sexual encounter. Additionally, the initiator's use of alcohol or drugs does not diminish the initiator's responsibility to obtain consent. There is no requirement of a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
- (h) Education Program or Activity - includes all of the College's operations, which encompasses employment, as well as locations, events or circumstances over which the College exercises substantial control over both the respondent and the context in which the conduct occurs, as well as any building owned or controlled by a student organization that is officially recognized by the College.
- (i) Exculpatory Evidence - evidence that tends to suggest that the respondent did not commit a policy violation.
- (j) Force - the use of physical violence and/or imposing on someone physically to engage in sexual activity and/or the use of threats, intimidation and coercion to overcome resistance to sexual activity.
- (k) Formal Complaint - a document, including an electronic submission, filed by a complainant with a signature or other indication that the complainant is the person filing the Formal Complaint, alleging Prohibited Conduct against a respondent about conduct within the College's jurisdiction (as defined in Section 2 of this procedure) and requesting initiation of the formal procedure to investigate the allegation of sexual harassment. The Title IX Coordinator or designee also may file Formal Complaints as explained in Section 13(b) of this procedure.
- (l) Inculpatory Evidence - evidence that tends to suggest that the respondent committed a policy violation.

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- (m) Incapacitation - a state in which a person cannot make rational decisions about engaging in sexual activity. Incapacitation may result from a temporary or permanent mental or physical disability, from sleep or unconsciousness, or from the taking of alcohol or other drugs. Apparent consent by an incapacitated complainant is not valid where a respondent knew or should have known that the complainant was incapacitated.
- (n) Preponderance of the Evidence - the standard of evidence used to resolve the disputed issue of fact and to make decisions as to whether Prohibited Conduct occurred. A preponderance of the evidence exists where the evidence establishes that the disputed fact is more likely than not to be true. A preponderance of the evidence also exists where the evidence establishes that the Prohibited Conduct is more likely than not to have been committed. In determining whether a preponderance of the evidence exists, the decision-maker relies on the quality and relative weight of the evidence rather than the quantity of evidence.
- (o) Privacy - See Section 8 of this procedure.
- (p) Prohibited Conduct - the conduct prohibited by this procedure. This includes Lewd/Obscene Conduct, Sexual Exploitation and Sexual Harassment (Types A and B). Sexual Harassment (Type A) further includes sexual assault, dating violence, domestic violence and stalking (see Section 6 of this procedure).
- (q) Relevant Evidence and Questions - Relevant evidence and questions refer to any questions and evidence that tend to make an allegation of sexual harassment more or less likely to be true.

Relevant evidence and questions do not include the following types of evidence and questions, which are deemed irrelevant at *all* stages of this procedure:

- (i) Evidence and questions about the complainant's sexual predisposition or prior sexual behavior unless:
  - 1. They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
  - 2. They concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

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- (ii) Any party or witness' medical, psychological and similar records unless the individual to whom the record pertains has given voluntary, written consent.
    - (iii) Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege, unless the individual who holds the privilege has waived it.
  - (r) Respondent - an individual who is alleged to have committed conduct that could constitute Prohibited Conduct under this procedure.
  - (s) Supportive Measures - non-disciplinary and non-punitive resources and measures available to the parties. When a complainant reports potential Prohibited Conduct as defined in this procedure, the Title IX Coordinator or designee will contact the complainant to assess their immediate needs and offer supportive measures as appropriate. Complainants have the right to receive supportive measures from the College regardless of whether they decide to file a Formal Complaint. The Title IX Coordinator also shall offer supportive measures to respondents when they are notified of a Formal Complaint. Supportive measures also include "protective measures" as that term is defined by the Clery Act and implementing regulations. See Section 10 of this procedure for additional information.
- (6) PROHIBITED CONDUCT

Prohibited Conduct includes Lewd/Obscene Conduct, Sexual Exploitation and Sexual Harassment (Types A and B), as well as any attempt to commit any of these types of Prohibited Conduct.

Lewd/Obscene Conduct is behavior that includes, but is not limited to:

- (a) Disrobing in a public space or streaking;
- (b) Possession or distribution of obscene materials;
- (c) Public urination/defecation; and
- (d) Sexual acts performed in public or on College premises.

Sexual Exploitation occurs when someone takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or for the benefit or advantage of anyone other than the person being exploited. Examples of Sexual Exploitation include, but are not limited to:

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- (a) Prostituting another person;
- (b) Using electronic devices or technology (e.g., cell phone, camera, email, internet sites or social networks) to record or transmit nudity or sexual acts of another person without that person's consent;
- (c) Intentionally observing nudity or sexual acts of another person without that person's consent; and
- (d) Inducing incapacitation for the purpose of facilitating sexual assault.

Sexual Harassment (Type A) as defined by the Title IX regulations includes any one of the following:

- (a) Quid Pro Quo - An employee of the College conditioning the provision of an aid, benefit or service of the College on an individual's participation in unwelcome sexual conduct;
- (b) Hostile Environment - Unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College's education program or activity;
- (c) Sexual Assault - A forcible or non-forcible sex offense as defined by the Uniform Crime Reporting system used by the Federal Bureau of Investigation pursuant to 20 U.S.C. 1092(f)(6)(A)(v), including rape, sodomy, sexual assault with an object, fondling, incest and statutory rape. These definitions prohibit the following behaviors:
  - (i) Vaginal, anal or oral sexual intercourse with a person without their consent;
  - (ii) Touching the private body parts of another person for the purpose of sexual gratification without their consent;
  - (iii) Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. In Ohio, Revised Code Section 3101.01(A) provides that individuals nearer of kin than second cousins may not marry;



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- (iv) Sexual intercourse with a person who is under the statutory age of consent. In Ohio, Revised Code Section 2907.02(A)(1)(b) provides that no person may have sex with a child under the age of thirteen. Ohio Revised Code Section 2907.04(A) provides that no person over the age of eighteen may have sex with a child under the age of sixteen.
  
- (d) Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.
  
- (e) Domestic Violence - Felony or misdemeanor crimes of violence on the basis of sex committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner or by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction. Domestic violence also includes felony or misdemeanor crimes of violence committed by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction, where such conduct is on the basis of sex.
  
- (f) Stalking - Engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Sexual Harassment (Type B) means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when one of the following occurs:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or access by the individual to aid, benefits or services;
  
- (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual or access by the individual to aid, benefits or services; or

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- (c) Such conduct has the purpose or effect of being severe or pervasive to the extent that it unreasonably interferes with an individual's job performance or learning ability or creating an intimidating, hostile or offensive educational, athletic or working environment.

Stalking and domestic violence, as defined above, that are not conducted on the basis of sex will be addressed by the Office of Student Conduct, if the respondent is a student, or Human Resources, if the respondent is an employee.

(7) REPORTING PROHIBITED CONDUCT

(a) Reporting Options

Anyone who feels they are in immediate danger are strongly encouraged to call 911.

When an individual experiences Prohibited Conduct, the following options are available to them, which can be explained in more detail by the Title IX Coordinator:

- (i) If the Prohibited Conduct constitutes a crime, the option to notify College law enforcement and/or local law enforcement. The College can help facilitate such notification;
- (ii) The option to seek a protection order and/or other legal orders through a court with jurisdiction, which will be enforced by the College as may be required by the order;
- (iii) The option to seek medical attention, counseling services or other confidential resources (see Section 8 of this procedure);
- (iv) The option to file a report with the Title IX Coordinator and request appropriate supportive measures;
- (v) The option to report Prohibited Conduct to an employee who is required to file the information with the Title IX Coordinator, except where the disclosure is made in the context of a confidential relationship (e.g., counselor-patient);
- (vi) The option to file a Formal Complaint with the Title IX Coordinator to pursue informal resolution or a formal investigation.

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A complainant may choose multiple options, and the options they choose may change over time. For example, a complainant may choose initially to proceed with a criminal investigation, or this process, both or neither. Regardless of those choices, the complainant may seek a protection order, confidential resources, supportive measures and/or file a Formal Complaint.

(b) Making a Report to Law Enforcement

Where an individual has been subjected to violence or other criminal acts, the College encourages such individuals to seek assistance from medical providers and/or law enforcement immediately after the incident, whether or not the complainant intends to pursue criminal charges. This is to assist in the preservation of evidence and to begin a timely response by law enforcement. Preserving evidence may later assist in proving that an alleged criminal offense occurred, or it may be helpful in obtaining a protection order if one is desired.

The Title IX Coordinator can assist in notifying law enforcement authorities if the complainant chooses. Complainants also may decline to notify such authorities. Also see Section 9 of this procedure regarding Ohio's felony reporting law.

(c) Making a Report to the College

The College strongly encourages individuals who have experienced or witnessed Prohibited Conduct to file a report with the Title IX Coordinator as soon as reasonably possible. Making a report does not require further action on the part of the reporter.

Certain employees of the College who become aware of behavior that may constitute Prohibited Conduct are required to report all information regarding such Prohibited Conduct to the Title IX Coordinator as soon as reasonably possible (see Section 9 of this procedure).

Any person may report potential Prohibited Conduct in person, by mail, by telephone or by email, using the contact information listed for the Title IX Coordinator, or by any other means that result in the Title IX Coordinator receiving the person's verbal or written report. Such reports may be made at any time, including during non-business hours. Contact information for the Title IX Coordinator is found at: <https://www.csc.edu/services/title-ix/title-IX-coordinator.shtml>.

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The College's preferred reporting method for sexual harassment or sexual violence is the College's secure, online report form which is accessible at <http://csc.edu/services/title-ix/#submitting>. The online report form is automatically sent to the Title IX Coordinator and Deputy Title IX Coordinators. While any person may use this secure online report form, a complainant may use it to submit a Formal Complaint if they include the elements of a Formal Complaint as described in Section 13(b) of this procedure. The Title IX Coordinator and/or the Deputy Title IX Coordinators will consult with the complainant to determine if it is appropriate to make a Formal Complaint, regardless of whether the online report form constitutes a Formal Complaint. Anonymous reports may be made through this form, but depending on the level of information included in the report, anonymous reporting may limit the College's ability to respond. Employees who are required to make reports under this procedure are not permitted to make such reports anonymously. If the anonymous report includes a crime, it will be counted in the College's crime statistics.

Any student, employee or third party who reports that they have experienced sexual assault, domestic violence, dating violence or stalking on the basis of sex shall be provided with a written explanation of their rights, options and available services. These rights and options include the opportunity to access specific support services at the College and in the community, such as assistance with changing academic and working arrangements upon request. Appropriate College officials will determine if the request is reasonable. Such rights also apply to the respondent.

Students or employees who knowingly or maliciously make a false or frivolous allegation of Prohibited Conduct will be subject to sanctions by the Office of Student Conduct under Procedure 7-10 (G) or discipline by Human Resources under Procedure 3-32 (C), as appropriate.

Where it is alleged that the Title IX Coordinator has engaged in Prohibited Conduct, such report may be directed to the Senior Director of Equity and Compliance, who will designate an appropriate individual to act as the Title IX Coordinator for purposes of that report.

(8) CONFIDENTIALITY AND PRIVACY

Confidentiality and privacy are two distinct concepts under this procedure.

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Privacy means that information will be protected except to the extent it is necessary to disclose information in order to respond to a report, effectuate supportive measures, facilitate an informal resolution, administer a Formal Complaint under this procedure, provide remedies to those who experience Prohibited Conduct and ensure the safety of individuals and the College community. The Title IX Coordinator and other College employees are expected to respect the privacy of the parties and witnesses to a report or Formal Complaint and share information only on a “need to know” basis. Personally identifiable information regarding students is further protected by the federal Family Educational Rights and Privacy Act (FERPA), but sharing information as required by this procedure is permitted under that Act. To learn more about privacy and disclosures, see <https://www.csc.edu/services/title-ix/privacy-info.shtml>.

Confidentiality means that information will not be shared by the individual who receives the information except in limited circumstances, such as where there is an imminent threat of harm to the individual or to others, or where there is knowledge or suspicion of child abuse (including sexual abuse and molestation) or neglect. Confidential resources include licensed counselors, medical providers, attorneys, clergy and certified rape crisis counselors.

Individuals seeking confidential assistance through College resources may contact the following:

- (a) Columbus State Counseling Services – (614) 287-2818 (currently enrolled students only)
- (b) Matrix EAP Counselors – (614) 475-9500 (full-time and part-time employees, administrators, ACFs, tenured and tenure track faculty)

Individuals seeking confidential assistance outside of the College may contact the following:

- (a) Medical and mental health providers, a list of which can be found here: <https://www.csc.edu/services/student-advocacy/pdf/Mental%20Health%20Facilities.pdf>
- (b) Legal support through the following:
  - (i) Legal Aid Society of Columbus – [www.columbuslegalaid.org](http://www.columbuslegalaid.org)
  - (ii) Southeastern Ohio Legal Services – [www.seols.org](http://www.seols.org)

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- (c) Domestic violence and intimate partner violence assistance through the following:
  - (i) Choices 24 hour Crisis Line/Shelter – (614) 224-HOME  
<https://lssnetworkofhope.org/choices/home/get-help/>
  - (ii) Lighthouse Domestic Violence Shelter (Fairfield County) – (740) 687-4423
  - (iii) Ohio Domestic Violence Network - <https://www.odvn.org/find-help/>
- (d) Sexual Assault Response Network of Central Ohio (SARNCO) -  
<https://www.ohiohealth.com/services/neuroscience/our-programs/behavioral-and-mental-health/sarnco>
- (e) 24/7 Hotlines:
  - (i) ChildHelp National Child Abuse Hotline – (800) 422-4453
  - (ii) Crisis Text Line – text “HOME” to 741741
  - (iii) Gay, Lesbian, Bisexual and Transgender National Hotline – (888) 843-4564
  - (iv) National Domestic Violence Hotline – (800) 799-7233
  - (v) National Human Trafficking Hotline – (888) 373-7888
  - (vi) National Sexual Assault Hotline – (800) 656-HOPE
  - (vii) National Suicide Prevention Lifeline – (800) 273-8255
  - (viii) National Teen and Young Adult Dating Abuse Helpline – (866) 331-9474 or text “loveis” to 22522
  - (ix) Ohio Hispanic Coalition Domestic Violence Hotline – (614) 746-3534 (Spanish and English)
  - (x) Ohio Sexual Violence Helpline – (844) OHIO HELP

The most current list of College and community resources, many of which provide confidentiality, is available at <https://www.csc.edu/services/title-ix/resources.shtml>.

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The College is required by the Clery Act to keep certain publicly available records regarding crimes that are reported on or near campus property. Such records do not include personal information regarding victims of such crimes, to the extent permissible by law.

(9) EMPLOYEE AND VOLUNTEER REPORTING RESPONSIBILITIES

While all employees are strongly encouraged to notify the Office of Equity and Compliance when they learn of an alleged incident of Prohibited Conduct as defined in this procedure, the following employees must notify the Senior Director of Equity and Compliance, Title IX Coordinator or Deputy Title IX Coordinators upon learning of Prohibited Conduct:

- (a) Employees of the Police Department
- (b) Employees of Human Resources
- (c) Non-student employees of the Office of Student Conduct
- (d) Athletic coaches and assistant coaches
- (e) Administrative employees with managerial responsibilities, including all academic chairpersons

Although the employees named above cannot provide confidentiality when they learn of potential Prohibited Conduct, they will maintain the privacy of those involved to the greatest extent possible.

All individuals, including employees and volunteers of the College, are required by Ohio law to report felonies, including sexual assault, to law enforcement unless they learn of such conduct in the context of a confidential relationship, such as counselor-patient treatment. The Title IX Coordinator can assist in facilitating this reporting upon request.

All employees and volunteers of the College are required to report potential sexual abuse and molestation of a minor to law enforcement or child protective services. The Title IX Coordinator can assist in facilitating this reporting upon request.

Employees and volunteers who fail to comply with these reporting responsibilities are subject to disciplinary action, up to and including termination of employment.

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(10) SUPPORTIVE MEASURES

Upon receipt of a report of potential Prohibited Conduct, the Title IX Coordinator shall offer the complainant reasonably available and appropriate supportive measures. The Title IX Coordinator also shall offer supportive measures to respondents when they are notified of a Formal Complaint. The supportive measures that are offered to the parties may evolve as circumstances change, and either party may request different or additional supportive measures from the Title IX Coordinator at any time. It is not necessary for a party to file a Formal Complaint or make a report to law enforcement in order to receive supportive measures.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the recipient of the measures. The measures shall be designed to restore or preserve equal access to the College's education program or activity, including employment, without unreasonably burdening the other party. Supportive measures may be designed to protect the safety of a party or of the College's educational, athletic and/or working environment, or they may be designed to deter Prohibited Conduct. The Title IX Coordinator is responsible for determining and coordinating the effective implementation of supportive measures.

Examples of supportive measures that may be offered include:

- (a) Counseling
- (b) Extensions of deadlines or other course-related adjustments
- (c) Modifications of work or class schedules
- (d) Campus escort services
- (e) Mutual restrictions on contact between the parties
- (f) Changes in work locations
- (g) Increased security and monitoring of certain areas of the campus
- (h) Changes to academic, living, transportation and working situations
- (i) Other similar measures as deemed appropriate by the Title IX Coordinator

College employees are expected to keep supportive measures private except as may be necessary to provide the supportive measures.



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The Title IX Coordinator is responsible for maintaining records of all supportive measures that are given to each party, information about which measures were requested by a party but not offered and the rationale for such decision, and information about which supportive measures were offered but rejected by a party. If the College does not offer supportive measures to a party, it must document the reasons why such response was reasonable in light of the known circumstances.

As required by the Clery Act, the College provides written notification to student and employee complainants about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for complainants who report being victims of crimes. Columbus State Victim Advocates can provide further assistance for victims of crimes by contacting them at (614) 287-5979 or [victimadvocacy@csc.edu](mailto:victimadvocacy@csc.edu). More information about supportive measures is found here: <https://www.csc.edu/services/title-ix/support-measures.shtml>.

(11) EMERGENCY REMOVAL

The College retains the authority to remove individuals who are alleged to have committed Prohibited Conduct under this procedure from its program(s) or activity(ies) on an emergency basis. If a respondent is alleged to have committed Sexual Harassment (Type A), the College will undertake an individualized safety and risk analysis in order to determine if there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct which justifies a removal.

If the College determines such removal is necessary, the respondent who is alleged to have committed Sexual Harassment (Type A) will be provided notice and an opportunity to challenge the decision immediately following the removal.

(12) ADMINISTRATIVE LEAVE

The College retains the authority to place a non-student employee respondent on administrative leave during this procedure. Administrative leave is not considered to be an “emergency removal” for purposes of Section 11 of this procedure.

(13) FORMAL INVESTIGATION AND DECISION-MAKING PROCESS

(a) Overall Timeframe

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The timeframe for the formal investigation and resolution process begins with the filing of a Formal Complaint. The process will be concluded within a reasonably prompt manner, and no longer than sixty (60) business days after the filing of the Formal Complaint. However, the process may be extended for good cause, including but not limited to the unavoidable absence of a party, a party's advisor, or a witness; the complexity and scope of the allegations; the complexity and amount of evidence submitted for consideration; the number of witnesses involved; concurrent law enforcement activity; intervening College breaks or closures; or the need for language assistance or accommodation of disabilities. In the event that an extension is granted by the Title IX Coordinator, the parties will be notified in writing of the reason(s) for the delay and the expected adjustment in timeframes.

Parties may request the extension of deadlines within this process for good cause provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties. The Title IX Coordinator shall have sole discretion to determine such extensions, which if granted, shall be provided to the parties to the extent applicable.

(b) Filing a Formal Complaint

To file a Formal Complaint, the complainant must file a signed written document (which may be electronic) that alleges Prohibited Conduct against a respondent and requests that the College investigate the allegation of Prohibited Conduct. Such complaints must be filed with the Title IX Coordinator in person, by mail, by email or through the College's secure, online system for making such reports. If a complainant is not 18 years of age and is not enrolled in the College, the College must obtain the voluntary, written consent of a natural parent, guardian, or an individual acting as a parent in the absence of a parent or guardian before proceeding with an investigation.

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Upon receipt of a Formal Complaint from a complainant, the Title IX Coordinator will conduct an initial assessment to determine whether the Formal Complaint properly alleges Prohibited Conduct under this procedure. The Title IX Coordinator may gather additional information if necessary to make such a determination. Formal Complaints alleging Prohibited Conduct will be handled according to this procedure. The Title IX Coordinator also may consolidate potential violations of other College policies into a Formal Complaint where they relate to the alleged Prohibited Conduct and the Title IX Coordinator determines, in their sole discretion, that it is appropriate to do so under the circumstances. Formal Complaints that do not allege any Prohibited Conduct under this procedure will be addressed by the appropriate policy and/or procedure and/or forwarded to the appropriate College office, if any, for further consideration.

If a Formal Complaint is brought against a respondent that is not subject to substantial control by the College, such as where the respondent is not an employee or student, the Title IX Coordinator may, in their sole discretion, consult with the Police Department to determine if a Criminal Trespass Order is appropriate and/or take other steps to protect the safety of the campus in lieu of any further investigation or decision-making. In such situations, the complainant shall be notified in writing that the Formal Complaint has been dismissed and what steps were taken to address the situation. The respondent may or may not be notified of the Formal Complaint, depending on the Title IX Coordinator's assessment of the situation and the relationship of the respondent to the College. The Title IX Coordinator still shall offer appropriate supportive measures to the complainant pursuant to this procedure.

The Title IX Coordinator also may file a Formal Complaint where they have received a report that potential Prohibited Conduct has occurred. Factors to consider when making this decision include the preferences and concerns of the complainant, the nature and circumstances of the allegations in the report, the severity and impact of the reported conduct, allegations of repeated behavior by the respondent, whether the respondent has admitted to the conduct, whether there are multiple complainants or respondents, whether the respondent has threatened further Prohibited Conduct or violence against the complainant or others, whether the respondent is an employee and whether the College possesses independent means to obtain relevant evidence if the complainant is not willing or able to participate. If a complainant requests that no formal action be taken, the College will balance that request with its responsibility to protect the College community from Prohibited Conduct. The Title IX Coordinator will inform the complainant of whether the College will take formal action on the Formal Complaint in writing. If the Title IX Coordinator decides to take formal action, the Title IX Coordinator will inform the complainant of this decision prior to notifying the respondent of

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the Formal Complaint. If the complainant chooses not to participate in the Formal Complaint and the process that follows it, they are still entitled to receive all notices issued under this procedure.

The Title IX Coordinator may consolidate Formal Complaints alleging Prohibited Conduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances.

The Title IX Coordinator or designee will acknowledge receipt of the Formal Complaint within two (2) business days.

Nothing in this procedure prevents a complainant from seeking the assistance of law enforcement alongside the appropriate College process. If a Formal Complaint is filed in relation to a concurrent law investigation, the College will coordinate with law enforcement to ensure its procedures do not interfere with that investigation.

The Title IX Coordinator may, in their sole discretion, dismiss a Formal Complaint or any of the allegations therein if at any time during the investigation or decision-making process:

- (i) A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations therein;
- (ii) The respondent is no longer enrolled in or employed by the College; or
- (iii) Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If a Formal Complaint is dismissed, the College will promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties. Where a Formal Complaint is dismissed, the College may take action under another provision of its policies and/or codes of conduct.

(c) Title IX Hearing Eligibility

When a Formal Complaint is filed, the Title IX Coordinator will determine whether the matter is *potentially eligible* for a Title IX Hearing.

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Under the federal Title IX regulations, only certain cases are eligible for a Title IX Hearing. To be eligible for a Title IX Hearing, all of the following must be true:

- (i) The Formal Complaint was filed by a complainant who, at the time of filing, was either participating in or attempting to participate in a College education program or activity, including employment;
- (ii) The Formal Complaint alleges Sexual Harassment (Type A);
- (iii) The Sexual Harassment (Type A) is alleged to have occurred against a person in the United States;
- (iv) The Sexual Harassment (Type A) is alleged to have occurred within the College's education program or activity.

Sexual Harassment (Type B) and/or other Prohibited Conduct under this procedure that does not meet the above criteria will be addressed by the Non-Title IX Resolution process described in Section 13(g) of this procedure.

This determination of whether the matter will proceed to a Title IX Hearing or a Non-Title IX Resolution will be finalized after the investigative report is submitted, as described below.

(d) Notice to the Parties

Where a Formal Complaint has been determined through an initial assessment to properly allege Prohibited Conduct, the Title IX Coordinator or designee shall provide written notice to the parties that shall include the following:

- (i) Notice of this procedure
- (ii) Notice of the allegations of Prohibited Conduct, including sufficient details known at the time of the notice and with sufficient time to prepare a response before any initial interview. Such notice shall contain:
  - 1. The identities of the parties involved in the incident(s), if known;
  - 2. The allegations of Prohibited Conduct;
  - 3. The date and location of the reported incident(s), if known.

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- (iii) A statement that the respondent is presumed not responsible for the reported conduct and that a determination regarding responsibility is made at the conclusion of the process
- (iv) A statement that the parties may have an advisor of choice, who may be an attorney, accompany them to any related meeting or proceeding under this procedure
- (v) A statement that the parties may inspect and review evidence as provided in this procedure
- (vi) A statement that the parties may suggest witnesses and provide statements and evidence as permitted by this procedure
- (vii) A statement that the allegations may be eligible for a Title IX Hearing under this procedure, or whether they may be subject to a “mandatory dismissal” from the Title IX Hearing process under this procedure
- (viii) Notice that the College prohibits knowingly making false statements or knowingly submitting false information during the process of filing and addressing a Formal Complaint
- (ix) Notice of how to request supportive measures under this procedure
- (x) A statement that retaliation is prohibited under this procedure
- (xi) Information about how to request reasonable accommodations relating to a disability

If, during the course of an investigation, the Title IX Coordinator determines it is appropriate to include additional allegations in the investigation, the Title IX Coordinator or designee will provide written notice of those additional allegations and sufficient details of such allegations to the parties.

- (e) Role of the Advisor

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Each party may bring an advisor of their choice with them to all meetings and/or proceedings under this procedure. The advisor may be an attorney, a bargaining unit representative or another individual that the party chooses. Advisors may not be disruptive to the process. At any point, advisors may be removed or dismissed from the process for disruptive behavior or where they do not abide by the restrictions on their participation. Except as described below with regard to live hearings in Section 13(i) of this procedure, the advisor's role is limited to providing advice and support to the party.

(f) Informal Resolution

After the initiation of a Formal Complaint, if all parties voluntarily consent in writing, the College may determine whether it is appropriate to assist the parties in an informal resolution process. An informal resolution process is available at any time prior to reaching a determination regarding responsibility, except that federal regulations prohibit informal resolution in the cases of reports of Sexual Harassment (Type A) brought by a student against a College employee.

Before initiating an informal resolution process, the College will: (1) provide the parties a written notice that an informal resolution process is available to them; and (2) obtain the parties' voluntary, written consent to the informal resolution process. The written notice to the parties will disclose the allegations, the requirements of the informal resolution process (described below) and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The College does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, the waiver of the right to an investigation and adjudication of Formal Complaints under this procedure. Similarly, the College will never require the parties to a Formal Complaint under this procedure to participate in an informal resolution process.

The College's informal process provides any party, at any time prior to agreeing to a resolution, the right to withdraw from the informal resolution process and resume the formal resolution process with respect to the Formal Complaint.

When allegations of Prohibited Conduct can be resolved through informal resolution by mutual consent of the parties and on a basis that is acceptable to the Title IX Coordinator, the resolution process shall be considered final and binding and there will be no subsequent process or appeal.

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(g) Investigation

Formal Complaints shall be investigated by a trained investigator who is free from bias or conflicts of interest. The Title IX Coordinator, in their discretion, may assign more than one investigator to a case and may perform the role of investigator while carrying out the duties of Title IX Coordinator. The investigator(s) shall gather relevant evidence sufficient to reach a determination regarding responsibility, as the burden of proof and the burden of gathering evidence is an obligation that rests on the College and not the parties.

(i) Submission of Evidence and Witnesses

The parties each have the opportunity to be interviewed by the investigator(s), submit relevant evidence and witness names and contact information to the investigator(s) and provide a written statement to the investigator(s) if they choose. The parties may present fact and expert witnesses to the investigator(s).

Each party shall be provided with written notice of the date, time, location, participants and purpose of all investigative interviews or other meetings that they are expected to attend, with sufficient time for the party to prepare to participate. Each party may bring an advisor to all investigative meetings or interviews. Except as described with regard to live hearings in Section 13(i) of this procedure, the advisor's role is limited to providing advice and support to the party.

(ii) Review of Evidence

When the investigator(s) believes they are ready to prepare the investigation report, the Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) calendar days to submit a written response. The parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source. The College will not consider or provide for inspection and review of evidence which the College knows was illegally or unlawfully created or obtained.



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Parties and their advisors are not permitted to download, print, share or otherwise disseminate any of the evidence subject to inspection and review. Parties who download, print, share or otherwise disseminate the evidence will be subject to sanctions or disciplinary actions.

(iii) Preparation of Investigative Report and Party Response

The investigator(s) will review the parties' written responses, conduct any follow-up investigation the investigator(s) deems appropriate and prepare an investigative report that summarizes relevant evidence. The investigative report will not include a summary of evidence not considered to be relevant. If the complaint involves multiple complainants, multiple respondents, or both, the College may issue a single investigative report.

Each party and their advisor shall receive a copy of the investigative report for their review and written response, at least ten (10) calendar days prior to a hearing or other time of determination regarding responsibility. If a party disagrees with the investigator's determination about which evidence is relevant, the party may include arguments for or against relevance of evidence in their written response.

(iv) Final Determination as to Hearing Eligibility

The investigative report will include an assessment as to whether the reported conduct is eligible for a Title IX Hearing. Under the federal Title IX regulations, only certain cases are eligible for a Title IX Hearing. To be eligible for a Title IX Hearing, all of the following must be true:

1. The Formal Complaint was filed by a complainant who, at the time of filing, was either participating in or attempting to participate in a College education program or activity, including employment;
2. The Formal Complaint alleges Sexual Harassment (Type A);
3. The Sexual Harassment (Type A) is alleged to have occurred against a person in the United States; and
4. The Sexual Harassment (Type A) is alleged to have occurred within the College's education program or activity.

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The Title IX Coordinator will review the assessment and determine whether they concur with the assessment of the investigator(s) and whether a Title IX Hearing will be held.

If the Title IX Coordinator determines that none of the conduct, if proven, meets the requirements for a Title IX Hearing, the Title IX Coordinator shall notify the parties that the case is subject to mandatory dismissal from the Title IX Hearing process found in this procedure and the case shall proceed to a Non-Title IX Resolution pursuant to Section 13(g) of this procedure.

If the Title IX Coordinator determines that the case is eligible for a Title IX hearing, the case shall proceed to a Title IX Hearing pursuant to Section 13(i) of this procedure.

(h) Non-Title IX Resolution

Cases that do not proceed to a Title IX Hearing will be resolved through the Non-Title IX Resolution process. Such process is typically completed within thirty (30) calendar days of referral for decision, except where extensions are appropriate for good cause as determined by the Title IX Coordinator in consultation with the Office of Student Conduct, if the respondent is a student, or Human Resources, if the respondent is an employee. The Office of Student Conduct or Human Resources, as appropriate, will give written notice to both parties of the reason for the extension.

Where the respondent is a student or former student, the case shall be referred to the Office of Student Conduct for resolution through the Student Conduct Hearing Board Procedure pursuant to Procedure 7-10(G) Sections (6), (9), and (10). The Student Conduct Hearing Board shall be treated as the decision-maker under this procedure.

Where the respondent is an employee or former employee, the case shall be referred to Human Resources, who shall resolve it pursuant to College Procedure 3-32(C) using the preponderance of evidence standard.

The decision-maker in this process will inform the respondent and the complainant, as appropriate, of the determination and options to appeal, in writing.

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(i) Title IX Hearing

The College will hold a live hearing after the investigation, where the case is determined to be eligible for such hearing. Hearings are typically held within thirty (30) calendar days of referral for hearing, except where extensions are appropriate for good cause as determined by the Title IX Coordinator with written notice to both parties of the reason for the extension.

The Title IX Coordinator will appoint a Hearing Officer to serve as decision-maker during the hearing. The Hearing Officer will not be the Title IX Coordinator, the investigator(s) who investigated the allegations, or the informal resolution officer. The Hearing Officer is under an obligation to objectively evaluate all relevant evidence both inculpatory and exculpatory. The Hearing Officer has the right to ask questions and elicit information from parties and witnesses on the Hearing Officer's own initiative.

The College will not limit the choice or presence of an advisor for complainant or respondent in any meeting or related proceeding. Advisors are required to abide by College restrictions regarding the extent to which they may participate in proceedings, and any restrictions will apply equally to the parties. If a party's advisor refuses to comply with restrictions set by the College, the College may require the party to use a different advisor.

At least five (5) business days prior to the hearing, a separate pre-hearing conference will be held with each party, the party's advisor, the Title IX Coordinator and the Hearing Officer. At the pre-hearing conference, the party and advisor must disclose the witnesses that will be requested and the evidence that will be submitted for consideration. Evidence and witnesses may only be considered at the hearing if they were submitted to the investigator, unless they were previously unknown or unavailable to the party during the investigation. The Hearing Officer will decide whether to grant any requests for new evidence and new witnesses at the pre-hearing conference. The Hearing Officer also will discuss guidelines for appropriate behavior and decorum during the hearing.

Hearings will be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

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The College will create a recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

At the live hearing, the Hearing Officer will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Before a complainant, respondent or witness answers a question, the Hearing Officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

The Hearing Officer is not required to give a lengthy or complicated explanation of a relevancy determination during the hearing and may send to the parties after the hearing any revisions to the Hearing Officer's explanation that was provided during the hearing.

Cross-examination at the live hearing will be conducted directly, orally and in real time by the party's advisor of choice and never by a party personally. All questioning will be relevant, respectful and non-abusive. No party will be "yelled" at or asked questions in an abusive or intimidating manner.

If a party or witness does not submit to cross-examination at the live hearing, the Hearing Officer will not rely on any statement of that party or witness in reaching a determination regarding responsibility. However, a respondent's alleged verbal conduct that itself constitutes the reported Prohibited Conduct at issue is not considered the respondent's "statement" and therefore may be considered even if the respondent does not submit to cross-examination. Similarly, video or audio evidence showing the conduct alleged within a complaint may be considered, even if the party does not submit to cross-examination. The Hearing Officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

If a party does not have an advisor present at the live hearing, the College will provide, without fee or charge to that party, an advisor of the College's choice to conduct cross-examination on behalf of that party. That advisor may be, but is not required to be, an attorney.

Relevancy determinations will be made pursuant to Section 13(j). Credibility will be considered pursuant to Section 13(k). Decisions will be prepared pursuant to Section 13(l). Sanctions, if any, will be determined pursuant to Section 13(m). Additional remedies, if any, will be determined pursuant to Section 13(n). All references to Sections refer to sections in this procedure.

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(j) Relevance

Relevant evidence is evidence that tends to make a fact that is important to the case either more probable or less probable. Relevant questions are those questions that are designed to elicit relevant evidence.

The following may be considered *irrelevant*:

- (i) Repetitive or duplicative questions or evidence;
- (ii) Information that is protected by a legally recognized privilege, such as attorney-client privilege;
- (iii) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless:
  - 1. Such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or
  - 2. The questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent;
- (iv) Any party's medical, psychological and similar records, unless the party has given voluntary, written consent for their use in the process.

The College will not exclude relevant evidence because such relevant evidence may be unduly prejudicial, concern prior bad acts (unless excluded above) or constitute character evidence. However, the Hearing Officer may objectively evaluate such evidence by analyzing whether that evidence warrants a high or low level of weight or credibility.

Pattern evidence may be determined to be relevant by the Hearing Officer where the respondent was previously found to be responsible for the offense, the previous incident was substantially similar to the present allegation and the information indicates a pattern of behavior and substantial conformity with that pattern by the respondent.

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(k) Credibility

The Hearing Officer will evaluate all admissible, relevant evidence for weight and credibility. The degree to which any inaccuracy, inconsistency or implausibility in a narrative provided by a party or witness should affect a determination regarding responsibility is a matter to be decided by the Hearing Officer, either after reviewing the case file in the case of non-hearing resolution, or after having the opportunity to ask questions of parties and witnesses, and to observe how parties and witnesses answer the questions posed by the other party in the case of a hearing. Corroborating evidence is not required.

Credibility determinations are not based solely on observing demeanor, but also are based on other factors such as the level of specific details and consistency of each person's account, whether corroborative evidence is lacking where it should logically exist and the inherent plausibility of the statement. Credibility determinations will not be based on an individual's status as a complainant, respondent or witness.

The Hearing Officer should evaluate the answers given by anyone testifying in context, including taking into account that the person testifying may experience stress while trying to answer questions.

(l) Decision

The Hearing Officer will conduct an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and issue a written determination of responsibility for Prohibited Conduct using a "preponderance of the evidence" standard. The same standard of evidence applies to all Formal Complaints regardless of the status or title of the respondent.

The determination of responsibility will include:

- (i) Identification of the allegations potentially constituting Prohibited Conduct;
- (ii) A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits and methods used to gather other evidence and hearings held;
- (iii) Findings of fact supporting the determination;

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- (iv) Conclusions regarding the application of this procedure to the facts;
- (v) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions or disciplinary actions the College imposes on the respondent (see Section 13(m) of this procedure), and whether remedies will be provided by the College to the complainant (see Section 13(n) of this procedure), and;
- (vi) The College's procedures and permissible bases for the complainant and respondent to appeal (see Section 14 of this procedure).

The nature of remedies, if any, will not be included within the determination. The determination will be provided to the parties simultaneously. The determination becomes final only after the time period for appeal has expired or, if a party does file an appeal, after the appeal decision has been sent to the parties.

(m) Sanctions

The College recognizes that not every case of Prohibited Conduct is alike in severity. Therefore, the College reserves the right to consider a range of reasonable sanctions. This range includes a formal warning, receiving a reprimand in the course of employment, mandatory training, behavioral contracts, administrative referrals, community service, loss of privilege, disciplinary probation, removal from a course, restitution, facility suspension/expulsion, ban from College property, revocation of admission, revocation of degree, suspension, expulsion, employment demotion and/or termination of employment. See College Procedure 7-10 (G) for a full list of sanctions for students found to be responsible for a violation and College Procedure 3-32 (C) for a full list of disciplinary actions for employees found to be responsible for a violation.

Where a respondent is found to have engaged in sexual assault, dating violence, domestic violence (regardless of whether based on sex) or stalking (regardless of whether based on sex), the sanction will generally result in either suspension or permanent removal from the College.

A respondent's prior disciplinary record will be taken into consideration in assigning sanctions. More than one sanction may be imposed for any single violation. Any sanction imposed will be in effect on all College-owned or – controlled property, and at all events or functions sponsored by or under the supervision of the College, unless otherwise provided in the written decision.

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(n) Remedies

Where a determination of responsibility for Prohibited Conduct is made, the College will provide remedies to a complainant designed to restore or preserve equal access to the College's education program or activity, including employment. Such remedies may include the same individualized services provided as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. The Title IX Coordinator is responsible for effective implementation of remedies.

Where the final determination has indicated that remedies will be provided, the complainant can then communicate separately with the Title IX Coordinator or designee to discuss what remedies are appropriately designed to preserve or restore the complainant's equal access to education. Remedies for a complainant which do not affect the respondent must not be disclosed to the respondent.

(14) APPEALS

The Title IX Coordinator shall appoint a trained Appeals Officer to issue a written decision. The Appeals Officer will not be the Title IX Coordinator or designee who coordinated the case, the investigator(s) who investigated the case or the Hearing Officer who reached a decision in the case. The Appeals Officer is typically an administrator of the College.

(a) Appealing the Dismissal of a Formal Complaint or Allegations

Any party may appeal the College's dismissal of a Formal Complaint or any allegations therein. The parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the dismissal. The appeal of the dismissal of the Formal Complaint or any allegations therein must be made in writing to the Appeals Officer within three (3) calendar days of the written notice of the dismissal decision. The appeal must identify the appropriate grounds for appeal and must contain information in support of such grounds. The Appeals Officer will notify the other party in writing when an appeal is filed and provide access to the appeal. The non-appealing party may submit a written response within three (3) calendar days of receiving access to the appeal from the Appeals Officer.



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The Appeals Officer shall issue a written decision within five (5) business days of receiving the appeal(s) of the dismissal. Extensions may be granted by the Title IX Coordinator for good cause and with written notice provided to the parties, including the reason for the extension. The Appeals Officer's decision will include the result of the appeal and the rationale for the result. The decision will be provided simultaneously to the parties and is final and binding on the parties.

(b) Appealing the Determination Regarding Responsibility

Any party may appeal the determination regarding responsibility. The parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. The appeal must be made in writing to the Title IX Coordinator within five (5) calendar days of the written notice of the outcome. The appeal must identify the appropriate grounds for appeal and must contain information in support of such grounds. The College will notify the other party in writing when an appeal is filed and provide access to the appeal. The non-appealing party may submit a written response within five (5) calendar days of receiving access to the appeal from the Title IX Coordinator.

The Appeals Officer shall issue a written decision within ten (10) business days of receiving the appeal(s) of the determination of responsibility and response(s) from the Title IX Coordinator. Extensions may be granted by the Title IX Coordinator for good cause and with written notice provided to the parties, including the reason for the extension. The Appeals Officer's decision will include the result of the appeal and the rationale for the result. The decision will be provided simultaneously to the parties and is final and binding on the parties.

(c) The only appropriate grounds for any appeal are:

- (i) Procedural irregularity that affected the outcome of the matter;
- (ii) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter, and;
- (iii) The Title IX Coordinator, investigators, or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Disagreement with the dismissal or determination regarding responsibility, by itself, is *not* sufficient grounds for an appeal. All grounds for appeal will be available to all parties.

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(15) TRAINING, IMPARTIALITY AND BIAS

The Title IX Coordinator, investigator(s), Hearing Officer(s), Appeals Officer(s), and facilitator of informal resolution for each case must be trained as required pursuant to the Title IX regulations and, if applicable, pursuant to the Clery Act regulations.

Such individuals must not have a conflict of interest or bias for or against complainants or respondents generally, or for or against an individual complainant or respondent. An individual's current job title, professional qualifications, past experience, identity or sex shall not automatically indicate bias. The Title IX Coordinator will apply an objective, common sense approach to evaluating whether a particular person serving in a Title IX role is biased and will exercise caution not to apply generalizations that might unreasonably conclude that bias exists.

(16) RETALIATION

Retaliation is strictly prohibited and takes the following forms:

- (a) Intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with any right or privilege secured by these procedures or by Title IX and its implementing regulations;
- (b) Intimidating, threatening, coercing or discriminating against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under these procedures or under Title IX and its implementing regulations; and
- (c) Pursuing charges against an individual for code of conduct or disciplinary violations that do not involve sex discrimination or Sexual Harassment (Type A), but arise out of the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of Sexual Harassment (Type A), for the purpose of interfering with any right or privilege secured by this procedure or under Title IX and its implementing regulations.

The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct or disciplinary violation for making a materially false statement in bad faith in the course of any portion of this procedure does not constitute retaliation. A determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith.

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An allegation of retaliation as defined above will be addressed by the Office of Student Conduct when the individual accused of retaliation is a student and by Human Resources when the individual accused of retaliation is an employee.

(17) RECORD-KEEPING

The Title IX Coordinator shall ensure that the College maintains the following records for a period of seven (7) years after a case file is closed:

- (a) Records of each investigation regarding Sexual Harassment (Type A), including any determination regarding responsibility and any audio or audiovisual recording or transcript of the hearing, any disciplinary sanctions imposed on the respondent and any remedies provided to the complainant designed to restore or preserve equal access to the College's education program or activity;
- (b) Any appeal of a decision regarding Sexual Harassment (Type A) and the result therefrom;
- (c) Any informal resolution of a Formal Complaint regarding allegations of Sexual Harassment (Type A) and the result therefrom;
- (d) All materials used to train the Title IX Coordinator, investigators, decision-makers and any person who facilitates informal resolutions. Such materials shall be made available on the College's website;
- (e) Information regarding the College's response to any reports of Sexual Harassment (Type A) that may meet the hearing eligibility requirements, including any supportive measures provided by the College. The College's documentation must include the basis of its conclusion that its response was not deliberately indifferent, as well as documentation that measures were designed to restore or preserve equal access to the College's education program or activity;
- (f) If the College does not provide a complainant with supportive measures in a case involving allegations of Sexual Harassment (Type A), then the College must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

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(18) DISABILITY ACCOMMODATIONS

This procedure does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during this procedure that do not fundamentally alter the process. The Title IX Coordinator may consult with the College's Disability Services Department or with the College's ADA Coordinator when considering a request for accommodations. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even when the parties may be receiving accommodations in other institutional programs and activities.

(19) ACADEMIC FREEDOM/FIRST AMENDMENT GUIDELINES

The College is committed to providing a safe, anti-harassing and nondiscriminatory environment that protects the civil rights of individuals. The College also recognizes academic freedom and the constitutional protections of the First Amendment.

This procedure is not intended to restrict serious discussion of relevant controversial issues in a training or academic situation. In order to prevent claims that course or training content is discriminatory, harassing or offensive, it is highly recommended that participants in such discussions are provided with a disclosure that the content may be controversial.

(20) EDUCATION PROGRAMS

The College offers education programs to promote the awareness of Prohibited Conduct. These programs include both primary and ongoing prevention and awareness.

The programs include:

- (a) A statement that the College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking
- (b) The legal definitions of domestic violence, dating violence, sexual assault and stalking in this jurisdiction
- (c) The lack of a legal definition of consent in this jurisdiction, as well as the definition of consent in this procedure

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- (d) Safe and positive options for bystander intervention to prevent harm or intervene when there is a risk of sexual harassment/sexual violence
- (e) Risk reduction information to recognize warning signs of abusive behavior and to provide guidance on how to avoid potential attacks
- (f) An explanation of the procedures related to addressing allegations of Prohibited Conduct as described herein

Information about specific education programs may be found on the College's Title IX website: <https://www.csc.edu/services/title-ix/index.shtml>.

(21) PROHIBITED CONSENSUAL SEXUAL RELATIONSHIPS

Consensual sexual relationships include romantic, intimate or sexual relationships in which both parties agree to participate in the relationship. The College recognizes that consensual sexual relationships are generally not problematic, except when the relationship may compromise the integrity of the College, create the potential for the abuse of authority or create the inability to remain impartial. Consensual sexual relationships also may create a third-party perception that a subordinate is receiving preferential treatment.

(a) Prohibited Consensual Sexual Relationships Among Employees

Consensual sexual relationships between administrators, supervisors, deans or chairpersons and the employees they supervise, professionally advise, counsel or employees over whom they have direct impact on the employee's terms and conditions of employment are strictly prohibited.

(b) Prohibited Consensual Sexual Relationships With Students

Consensual sexual relationships between faculty members and the students or student employees enrolled in a class or class sequence(s) taught, advised, counseled, coached or supervised by the faculty member, or over whom the faculty member has direct impact on the student or student employee's academic enrollment or success are strictly prohibited.

Consensual sexual relationship between administrators, supervisors, deans, chairpersons or employees and the student or student employees whom they advise, counsel, coach or supervise, or over whom they have a direct impact on the student or student employee's academic enrollment or success are strictly prohibited.

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The College strongly discourages all employees or faculty members from engaging in consensual sexual relationships with students as long as the student is considered to be in an active status as a student, even if the student is not currently enrolled in a class.

(c) Consequences of Prohibited Sexual Relationships

Any employee or faculty member who is engaged in a consensual sexual relationship that may be in violation of this procedure has the responsibility to notify their administrator, dean or chairperson, Human Resources, the Title IX Coordinator or a Deputy Title IX Coordinator/Compliance Officer about the relationship as soon as it is known that it may violate this procedure.

The employment of the parties involved in the consensual sexual relationship in which one person has authority over or influence upon the status of the other will be modified so that the authority or influence no longer exists. This shall occur by moving one of the persons to another position, department or supervisor, if possible.

An employee who does not notify their administrator, supervisor, dean or chairperson, Human Resources, the Title IX Coordinator or a Deputy Title IX Coordinator/Compliance Officer that they are involved in a consensual sexual relationship in violation of this procedure shall be subject to disciplinary action, up to and including termination of employment.

If an employee and/or faculty member is found to be engaged in a consensual sexual relationship with a student that violates this procedure, disciplinary action may be expedited.

When one person in a consensual sexual relationship of any kind clearly informs the other person that the relationship is no longer welcome, the other person should not pursue the relationship. To continue the pursuit of the relationship may become a violation of this procedure, and the pursuing person will be subject to disciplinary action, up to and including termination of employment.

*Last Effective Date(s): October 1, 2015 (previous title: Sexual Misconduct)*

*\*November 2, 2020: Administrative changes made to update list of College officials with authority to institute corrective measures on behalf of the College.*

*\*November 24, 2020: Administrative changes made to reduce confusion around the appeals process.*