THE NCHERM GROUP/ATIXA MODEL POLICY AND PROCEDURE FOR CIVIL RIGHTS EQUITY GRIEVANCE FOR ALL FACULTY, STUDENTS AND EMPLOYEES

THIS PROCESS CAN BE USED AT LARGE OR SMALL CAMPUSES, AND WITHIN PUBLIC UNIVERSITIES, PRIVATE COLLEGES, AND COMMUNITY COLLEGES. IT IS INTENDED TO HELP CAMPUSES TO BE COMPLIANT WITH TITLE IX AND ALL OTHER FORMS OF CIVIL RIGHTS LAWS AND RELEVANT GRIEVANCE PROCESSES.

NCHERM/ATIXA MAKE NO COMPLIANCE ASSURANCES AND CANNOT BE RESPONSIBLE FOR ANY IMPLICATIONS OF THE USE OF THIS MODEL TO ANY PARTICULAR CAMPUS. BEFORE USING AND ADAPTING THIS WORK, PLEASE CONSULT WITH LICENSED LEGAL COUNSEL IN YOUR JURISDICTION TO ENSURE COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATORY REQUIREMENTS.

THIS STATEMENT MUST APPEAR IN ANY VERSION OF THIS MODEL USED BY A COLLEGE OR UNIVERSITY:

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POLICY AND PROCEDURES: Equal Opportunity, Harassment and Nondiscrimination

Mid-Plains Community College (MPCC) affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. All policies below are subject to resolution using the college’s Equity Grievance Process, as detailed below. The Equity Grievance Process is applicable regardless of the status of the parties involved, who may be members or non-members of the campus community, students, student organizations, faculty, administrators and/or staff. MPCC reserves the right to act on incidents occurring on-campus or off-campus, when the off-campus conduct could have an on-campus impact or impact on the educational mission of the College.

The Director of Human Resources serves as the Title IX/Equity/AA Coordinator and oversees implementation of the College’s Affirmative Action and Equal Opportunity plan and the College’s policy on equal opportunity, harassment and nondiscrimination. Reports of discrimination, harassment and/or retaliation should be made to the Title IX/Equity/AA Coordinator or deputies, which include deans of student life and campus vice presidents. promptly, but there is no time limitation on the filing of grievances, as long as the accused individual remains subject to the College’s jurisdiction. All reports are acted upon promptly while every effort is made by the College to preserve the privacy of reports. Anonymous reports may also be filed online, using the reporting form posted at http://www.mpcc.edu/about-mpcc/general-information/incident-report. Click on the "Make a Report" Button. Reporting is addressed more specifically in Section 7, below. Reports of discrimination by the Title IX/Equity/AA Coordinator should be reported to the College President, Ryan Purdy, at (308) 535-3723. To raise concerns regarding a potential conflict of interest with any other administrator involved in the EGP, please contact the Title IX Coordinator.

This policy applies to behaviors that take place on the campus, at college-sponsored events and may also apply off-campus and to actions online when the Title IX/Equity/AA Coordinator determines that the off-campus conduct affects a substantial MPCC interest. A substantial MPCC interest is defined to include:

a) Any action that constitutes criminal offense as defined by federal or Nebraska state law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where College campuses are located;

b) Any situation where it appears that the accused individual may present a danger or threat to the health or safety of self or others;

1 Alternatively, the terminology of “complaint” may be used in lieu of grievance.
c) Any situation that significantly impinges upon the rights, property or
achievements of self or others or significantly breaches the peace and/or causes
social disorder; and/or

d) Any situation that is detrimental to the educational interests of the College.

[Any online postings or other electronic communication by students, including cyber-
bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the
college’s control (e.g. not on college networks, websites or between college email accounts)
will only be subject to this policy when those online behaviors can be shown to cause a
substantial on-campus disruption. Otherwise, such communications are considered speech
protected by the 1st Amendment.]

Off-campus discriminatory or harassing speech by employees may be regulated by the
College only when such speech is made in an employee’s official or work-related capacity.

Inquiries about this policy and procedure may be made internally to:

Rebecca Wrage
Title IX/Equity/AA Coordinator
Director of Human Resources
Location/Address: 1101 Halligan Dr., North Platte 69101
(308) 535-3679 Email: wrager@mpcc.edu

Andy Long
McCook Campus Vice President/Equity Grievance Panel co-chair
1205 East 3rd Street, McCook, NE 69001
(308) 345-8119 Email: longa@mpcc.edu

Inquiries may be made externally to:
Office for Civil Rights (OCR)          Equal Employment Opportunity Commission (EEOC)
U.S. Department of Education          Contact: http://www.eeoc.gov/contact/
400 Maryland Avenue, SW              Mid-Plains Community College is under the
Washington, DC 20202-1100             Kansas City Area EEOC Office
Customer Service Hotline #: (800) 421-3481 Location: Gateway Tower II
Facsimile: (202) 453-6012             400 State Ave., Suite 905
TDD#: (877) 521-2172                  Kansas City, KS 66101
Email: OCR@ed.gov                    Phone: 1-800-669-4000
Web: http://www.ed.gov/ocr
1. MPCC Policy on Nondiscrimination

MPCC adheres to all federal and state civil rights laws banning discrimination in public institutions of higher education. MPCC’s policy on nondiscrimination can be found at: [http://www.mpcc.edu/about-mpcc/general-information/student-right-to-know-policy#Section2](http://www.mpcc.edu/about-mpcc/general-information/student-right-to-know-policy#Section2)

2. MPCC Policy on Accommodation of Disabilities

MPCC is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. To learn more about MPCC’s ADA policy, you can go to the following web page: [http://www.mpcc.edu/about-mpcc/general-information/americans-with-disabilities-act-(ada)-policy](http://www.mpcc.edu/about-mpcc/general-information/americans-with-disabilities-act-(ada)-policy)

3. MPCC Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. MPCC’s harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under College policy.

   a. Discriminatory and Bias-Related Harassment

   Harassment constitutes a form of discrimination that is prohibited by law. College/University will remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, MPCC may also impose sanctions on the harasser. MPCC’s harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.

   A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent/pervasive and objectively offensive that it interferes with,
limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.2

Offensive conduct and/or harassment that does not rise to the level of discrimination or that is of a generic nature not on the basis of a protected status may not result in the imposition of discipline under University policy, but will be addressed through civil confrontation, remedial actions, education and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, employees should contact the Director of Human Resources and students should contact the Deans of Student Life.

MPCC condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by university policy or law.

b. Sexual Harassment

Both the Equal Employment Opportunity Commission and the State of Nebraska regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. MPCC has adopted the following definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well.3

Sexual harassment is:

- unwelcome, sexual or gender-based verbal, written, online and/or physical conduct.4

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2 This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department Of Education Office For Civil Rights, Racial Incidents And Harassment Against Students At Educational Institutions Investigative Guidance. The document is available at http://www.ed.gov/about/offices/list/ocr/docs/race394.html.

3 Also of relevance is the Office of Civil Rights 2001 statement on sexual harassment, “Revised Sexual Harassment Guidance: Harassment Of Students By School Employees, Other Students, Or Third Parties, Title IX,” which can be found at http://www2.ed.gov/legislation/FedRegister/other/2001-1/011901b.html, as well as the April, 2011 Dear Colleague Letter on Campus Sexual Violence, which can be found at: http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf

4 Some examples of possible Sexual Harassment include:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor’s office or on the exterior of a residence hall door
- Two supervisors frequently ‘rate’ several employees’ bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus
- Male students take to calling a particular brunette student “Monica” because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, “sexual relations” and Weight Watchers.
Anyone experiencing sexual harassment in any College program is encouraged to report it immediately to the College’s Title IX Coordinator.

Sexual harassment creates a hostile environment, and may be disciplined when it is:

- sufficiently severe, persistent/pervasive and objectively offensive that it,
  - has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the university’s educational, social and/or residential program, and is
  - based on power differentials (*quid pro quo*), the creation of a hostile environment or retaliation.

**POLICY EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS**

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this policy. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift a party out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes RAs and students over whom they have

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5 This section is offered as an optional inclusion, as some campuses prefer to include this policy elsewhere, such as a faculty handbook or employee manual. We include it here to inform students, not just employees, of our expectations.
direct responsibility. Please see the Board of Governors Nepotism Policy for information on relationships that are prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

http://www.mpcc.edu/about-mpcc/board-of-governors-01/BoardMeetingPolicyManual/Section%204-Personnel.pdf

c. Sexual Misconduct

State law defines various violent and/or non-consensual sexual acts as crimes. Additionally, Mid-Plains Community College has defined categories of sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, MPCC considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, MPCC reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other gender-based offenses, including intimate partner or relationship (dating and/or domestic) violence, non-consensual sexual contact and stalking based on the facts and circumstances of the particular grievance. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Violations include:

i. Sexual Harassment (as defined in section b above)

ii. Non-Consensual Sexual Intercourse

Defined as:
- any sexual penetration or intercourse (anal, oral or vaginal)
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

iii. Non-Consensual Sexual Contact

6 The state definition of sexual assault is [Any person who subjects another person to sexual penetration (a) without the consent of the victim, (b) who knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) when the actor is nineteen years of age or older and the victim is at least twelve but less than sixteen years of age is guilty of sexual assault in the first degree ], which is applicable to criminal prosecutions for sexual assault in [Nebraska], but may differ from the definition used on campus to address policy violations.
Defined as:
- any intentional sexual touching
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

iv. Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:
- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed)
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent)
- Prostitution
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as “date rape” drugs) to another person without his or her knowledge or consent

v. Consent

7 The state definition of without consent is [(a)(i) The victim was compelled to submit due to the use of force or threat of force or coercion, or (ii) the victim expressed a lack of consent through words, or (iii) the victim expressed a lack of consent through conduct, or (iv) the consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor; (b) The victim need only resist, either verbally or physically, so as to make the victim's refusal to consent genuine and real and so as to reasonably make known to the actor the victim's refusal to consent; and (c) A victim need not resist verbally or physically where it would be useless or futile to do so]
Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the individual responding party of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

In Nebraska, an individual under the age of consent (meaning a person under the age of 19 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 19 years old is a crime, as well as a violation of this policy, even if the minor wanted to engage in the act.
4. Other Civil Rights Offenses, When the Act is Based Upon the Status of a Protected Class

- Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class
- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of their actual or perceived membership in a protected class
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity on the basis of actual or perceived membership in a protected class; hazing is also illegal under Nebraska State law and prohibited by the Mid-Plains Community College student code of conduct.
- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class
- Violence between those in an intimate relationship to each other on the basis of actual or perceived membership in a protected class (this includes romantic relationships, dating, domestic and/or relationship violence)

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8 For any campus that decides to replace existing conduct processes entirely —for all forms of misconduct—with the 1P1P model, all references in this section to protected class status should be removed.

9 The state definition of domestic assault is [(1) A person commits the offense of domestic assault in the third degree if he or she:
(a) Intentionally and knowingly causes bodily injury to his or her intimate partner;
(b) Threatens an intimate partner with imminent bodily injury; or
(c) Threatens an intimate partner in a menacing manner.
(2) A person commits the offense of domestic assault in the second degree if he or she intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument.
(3) A person commits the offense of domestic assault in the first degree if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner.
]

For purposes of this section, intimate partner means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship. For purposes of this subsection, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context, which is applicable to criminal prosecutions for domestic violence in Nebraska but may differ from the definition used on campus to address policy violations. [Included for Campus SaVE Act compliance purposes]

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- Employee A has been in an intimate relationship with Employee B for over a year; Employee A punches Employee B in the face during an argument ( Dating Violence).
- Student A has been in an intimate relationship with Student B for over a year; Students A & B live together. During an argument, Student A shoves Student B to the ground (Domestic Violence).
• Stalking[^11^], defined as a course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome and would cause a reasonable person to feel fear[^12^]

• Any other College rules, when a violation is motivated by the actual or perceived membership of the victim on the basis of sex or gender or in a protected class, may be pursued using this policy and process.

Sanctions for the above-listed “Other Civil Rights Behaviors” behaviors range from reprimand up through and including expulsion (students) or termination of employment.

5. Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing a grievance or for assisting in providing information relevant to a claim of harassment is a serious violation of College policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX/Equity/AA Coordinator and will be promptly investigated. MPCC is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

6. Remedial Action

MPCC will implement initial remedial and responsive and/or protective actions upon notice of alleged harassment, retaliation and/or discrimination. Such actions could include but are not limited to: no contact orders, providing counseling and/or medical services, academic support, living arrangement adjustments, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, referral to campus and community support resources.

[^11^]: The state definition of stalking is [being willfully harassed, intentionally terrified, threatened, or intimidated by individuals who intentionally follow, detain, stalk, or harass them or impose any restraint on their personal liberty and which will not prohibit constitutionally protected activities.], which is applicable to criminal prosecutions for stalking in Nebraska, but may differ from the definition used on campus to address policy violations. [Included for Campus SaVE Act compliance purposes.]

[^12^]: Employee A recently ended an intimate relationship with Employee B. For the past three weeks, B has been sending A 100 text messages per day and waits by A’s car at the end of each day to beg and plead with her to take him back. When she refuses, he loses control, makes threatening gestures, and tells her she will regret this. Employee A indicates she is fearful of what B might do to her (Stalking).

• Mark is a student on campus who has always been fascinated by women who dye their hair. One day, he notices MaryLou, whose hair is dyed a very bright purple. He follows her home to see where she lives, and begins to track her history, actions and movements online. His fascination increases to the point where he follows her frequently on campus, takes pictures of her without her permission, and spies through her window at night with a long-range camera lens. He wants to have her beautiful purple hair for his own, so that he can stroke it whenever he wants.
MPCC will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor who has been found to engage in harassing or discriminatory behavior or retaliation. Procedures for handling reported incidents are fully described below. Deliberately false and/or malicious accusations of harassment, as opposed to grievances which, even if erroneous, are made in good faith, are just as serious an offense as harassment and will be subject to appropriate disciplinary action.

7. Confidentiality and Reporting of Offenses Under This Policy

All MPCC College employees (Faculty, Staff, Administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions. In order to make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform an outside agency or individual unless you have requested information to be shared. Other resources exist for you to report crimes and policy violations and these resources will take action when you report victimization to them. The following describes the two reporting options at MPCC:

a. Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

• On-campus Area Counselor
• Off-campus (non-employees):
  o Licensed professional counselors
  o Local rape crisis counselors
  o Domestic violence resources
  o Local or state assistance agencies
  o Clergy/Chaplains

All of the above-listed individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Campus counselors and/or the Employee Assistance Program are available to help free of charge and can be seen on an emergency basis during normal business hours. Mid-Plains Community College employees listed above will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

b. Formal Reporting Options

All Mid-Plains Community College employees have a duty to report, unless they fall under the “Confidential Reporting” section above. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared with the Title IX Coordinator. Employees must promptly share all details of the reports they receive.
If a reporting party does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. Note that the Mid-Plains Community College’s ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution to proceed with an investigation and/or the Equity Resolution Process.

In cases indicating pattern, predation, threat, weapons and/or violence, MPCC will likely be unable to honor a request for confidentiality. In cases where the reporting party requests confidentiality and the circumstances allow the Mid-Plains Community College to honor that request, the Mid-Plains Community College will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have allegations taken seriously by Mid-Plains Community College when formally reported, and to have those incidents investigated and properly resolved through these procedures. Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at http://www.mpcc.edu/about-mpcc/general-information/incident-report. Note that these anonymous reports may prompt a need for the institution to investigate.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex/gender harassment or discrimination of which they become aware is a violation of Mid-Plains Community College policy and can be subject to disciplinary action for failure to comply.

8. Federal Timely Warning Obligations

Victims of sexual misconduct should be aware that College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College will make every effort to ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

EQUITY GRIEVANCE PROCESS FOR RESOLVING GRIEVANCES OF HARASSMENT, SEXUAL MISCONDUCT AND OTHER FORMS OF DISCRIMINATION

MPCC will act on any formal or informal grievance or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination, that is received by the Title IX/Equity/AA Coordinator, Deans of Student Life, a member of the Equity Grievance Panel [who is not an advocate] or a member of the administration.

The procedures described below will apply to all grievances involving students, staff or faculty members [with the exception that unionized or other categorized employees will be

13 Alternatively, “alleging party” may be used in lieu of “party bringing a grievance.”

14 For institutions with formal grievance processes for any student and/or employee to challenge institutional action, it is recommended that discrimination complaints be exempted from the grievance process. Grievance proceedings are neither equitable (by definition), nor are they sufficiently prompt to satisfy Title IX.
subject to the terms of their respective collective bargaining agreements/employees’ rights to the extent those agreements do not conflict with federal or state compliance obligations]. Redress and requests for responsive actions for grievances brought involving non-members of the community are also covered by these procedures.

1. **Conduct Panel Equity Grievance Panel (Conduct Panel)**

Members of the Conduct Panel are announced in an annual distribution of this policy to campus, prospective students, their parents and prospective employees. The list of members and a description of the panel can be found at http://www.mpcc.edu/student-life. Members of the Conduct Panel are trained in all aspects of the grievance process, and can serve in any of the following roles, at the direction of the Title IX/Equity/AA Coordinator:

- To provide sensitive intake and initial counseling of grievances
- To serve in a mediation role in conflict resolution
- To investigate grievances
- To act as advisors to those involved in grievances
- To serve on hearing panels for grievances
- To serve on appeal panels for grievances

Conduct Panel members also recommend proactive policies, and serve in an educative role for the community. The President, in consultation with the Title IX/Equity/AA Coordinator, appoints the panel, which reports to the Title IX/Equity/AA Coordinator. Conduct Panel members receive annual training organized by the Title IX/Equity/AA Coordinator, campus Vice Presidents, and Deans of Student Life, including a review of College policies and procedures, so that they are able to provide accurate information to members of the community. All Conduct Panel members are required to attend this annual training.

The Equity Grievance Panel includes:

- 2 Co-chairs: one representative from HR and one campus Vice President
- Two Administrative Hearing Officers who are *ex officio* members and serve as Chair of grievance panel hearings for grievances involving student responding parties
- At least 3 members of academic affairs administrators/division chairs
- At least 3 members of the administration
- At least 3 members of the staff
- The Assistant Director of Human Resources
- At least two representatives from Athletics
Panel members are usually appointed to three-year terms. Appointments to the Conduct Panel should be made with attention to representation of groups protected by the harassment and non-discrimination policy. Individuals who are interested in serving on the Conduct Panel are encouraged to contact the Title IX/Equity/AA Coordinator.

2. Filing a grievance

Any member of the community, guest or visitor who believes that the policy on Equal Opportunity, Harassment and Nondiscrimination has been violated should contact the Title IX/Equity/AA Coordinator or a member of the Conduct Panel. It is also possible for employees to notify a supervisor, or for students to notify an administrative advisor or faculty member. These individuals will in turn notify the Title IX/Equity/AA Coordinator. The College website also includes a reporting form at http://www.mpcc.edu/about-mpcc/incident-report which may serve to initiate a grievance.

All employees receiving reports of a potential violation of College policy are expected to promptly contact the Title IX/Equity/AA Coordinator, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with the maximum possible privacy: specific information on any grievances received by any party will be reported to the Title IX/Equity/AA Coordinator, but, subject to the College’s obligation to redress violations, every effort will be made to maintain the privacy of those initiating a report of a grievance. In all cases, MPCC will give consideration to the party bringing a grievance with respect to how the grievance is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal grievance.

3. Grievance Intake

Following receipt of notice or a grievance, the Title IX/Equity/AA Coordinator will, promptly assign a Conduct Panel member to work as advisor to the person who reported the grievance or party bringing a grievance may choose from the Conduct Panel pool (or choose a non-trained advisor from outside the pool, if preferred, or proceed without an advisor). Normally, within two business days, an initial determination is made whether a policy violation may have occurred and/or whether conflict resolution might be appropriate. If the grievance does not appear to allege a policy violation or if conflict resolution is desired by

\[\text{Title IX/Equity/AA Coordinator}\]

\[\text{If circumstances require, the President or Title IX/Equity/AA Coordinator may designate another person to oversee the process below, should a grievance be made against the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.}\]
the party bringing a grievance, and appears appropriate given the nature of the alleged behavior, then the grievance does not proceed to investigation.

A full investigation will necessarily be pursued if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members. The College aims to complete all investigations within a 60 business day time period, which can be extended as necessary for appropriate cause by the Title IX/Equity/AA Coordinator with notice to the parties.

4. Investigation

If a party bringing a grievance wishes to pursue a formal grievance or if the College, based on the alleged policy violation, wishes to pursue a formal grievance, then the Title IX/Equity/AA Coordinator appoints Conduct Panel members to conduct the investigation, usually within two business days of determining that a grievance should proceed. Investigation of grievances brought directly by those alleging harm should be completed expeditiously, normally within 10 business days of notice to the Title IX/Equity/AA Coordinator. Investigation may take longer when initial grievances fail to provide direct first-hand information. The College may undertake a short delay (3-10 days, to allow evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. MPCC action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

5. Interim Remedies

If, in the judgment of the Title IX/Equity/AA Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the accused individual or the ongoing activity of a student organization whose behavior is in question, the Title IX/Equity/AA Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further violations. These remedies may include referral to counseling and health services or to the Employee Assistance Program, education to the community, altering the housing situation of an accused student or resident employee (or the alleged victim, if desired), altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc.

The College may interim suspend a student, employee or organization pending the
completion of Conduct Panel investigation and procedures. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the opportunity to meet with the Title IX/Equity/AA Coordinator or campus Vice President prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX/Equity/AA Coordinator, campus Vice President or Dean of Student Life has sole discretion to implement or stay an interim suspension under the policy on Equal Opportunity, Harassment and Nondiscrimination, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to College housing and/or the College campus/facilities/events. As determined by the Title IX/Equity/AA Coordinator or Dean of Student Life or campus Vice President, this restriction includes classes and/or all other College activities or privileges for which the student might otherwise be eligible. At the discretion of the Deans of Student Life or campus Vice President, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.

6. Grievance Resolution

During or upon the completion of investigation, the investigators will meet with the Title IX/Equity/AA Coordinator. Based on that meeting, the Title IX/Equity/AA Coordinator will make a decision on whether there is reasonable cause to proceed with the grievance. If the Title IX/Equity/AA Coordinator decides that no policy violation has occurred or that the preponderance of evidence (i.e., whether it is more likely than not that the accused individual committed each alleged violation) does not support a finding of a policy violation, then the process will end unless the party bringing a grievance requests that the Title IX/Equity/AA Coordinator makes an extraordinary determination to re-open the investigation or to forward the matter for a hearing. This decision lies in the sole discretion of the Title IX/Equity/AA Coordinator. If there is reasonable cause, the Title IX/Equity/AA Coordinator will direct the investigation to continue, or if there is a preponderance of evidence of a violation, then the Title IX/Equity/AA Coordinator may recommend conflict resolution, a resolution without a hearing or a formal hearing, based on the below criteria.

a. Conflict Resolution

Conflict resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Title IX/Equity/AA Coordinator or Deans of Student Life will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, a
Conduct Panel member will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX/Equity/AA Coordinator or Deans of Student Life will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Conflict resolution will not be the primary resolution mechanism used to address grievances of sexual misconduct or violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the formal process is completed should the parties and the Title IX/Equity/AA Coordinator believe that it could be beneficial. It is not necessary to pursue conflict resolution first in order to make a formal EGP grievance, and anyone participating in conflict resolution can stop that process at any time and request a formal hearing.

b. Resolution Without a Hearing

Resolution without a hearing can be pursued for any behavior that falls within the policy on Equal Opportunity, Harassment and Nondiscrimination, at any time during the process. The Title IX/Equity/AA Coordinator will provide written notification of a grievance to any member of the College community who is accused of an offense of harassment, discrimination, or retaliation. The Title IX Coordinator, together with the investigator(s), will meet with the responding individual to explain the finding(s) of the investigation. Once informed, the responding party may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If so, the Title IX/Equity/AA Coordinator will render a finding that the individual is in violation of College policy for the admitted conduct, and will normally proceed to convene a formal hearing on any remaining disputed violations. For admitted violations, the appropriate Co-chair of the CONDUCT PANEL will recommend an appropriate sanction or responsive action. If the sanction/responsive action is accepted by both the party bringing a grievance and responding party, the Title IX/Equity/AA Coordinator will implement it, and act promptly and effectively to remedy the effects of the admitted conduct upon the victim and the community. If either party rejects the sanction/responsive action, an EGP hearing will be held on the sanction/responsive action only, according to the EGP procedures below, except in the case of at-will employees for whom findings and responsive actions will be determined by the Director of Human Resources based on the results of the investigation.

c. Formal Hearing

For any grievances that are not appropriate for conflict resolution and which are not resolved without a hearing, the Title IX/Equity/AA Coordinator will initiate a formal hearing or for employees for whom no hearing process is available, will refer his/her
findings to the Director of Human Resources for implementation.

7. Formal EGP Procedure

a. Hearing Panels

The Title IX/Equity/AA Coordinator will appoint a non-voting panel Chair (either one of the Conduct Panel co-chairs or the Administrative Hearing Officer, usually the Deans of Student Life or designee, depending on whether the responding party is a faculty member, other employee, or student and three members of the Conduct Panel to the hearing panel, none of whom have been previously involved with the grievance. Conduct Panel members who served as investigators will be witnesses in the hearing of the grievance and therefore may not serve as hearing panel members. Hearing panels may include both faculty and non-faculty employees with a least one faculty employee selected in a grievance involving a faculty member. No member of the Conduct Panel may be a practicing attorney. The panel will meet at times determined by the Chair.

b. Notification of Charges

At least one week prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the Conduct Panel Co-chair will send a letter to the parties with the following information. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The letter will contain:

- A description of the alleged violation(s), a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result.
- The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Co-chair may reschedule the hearing.
- The parties may have the assistance of a Conduct Panel member, or other advisor at the hearing. Typically, advisors are members of the campus community, but the Title IX/Equity/AA Coordinator may grant permission for an outside advisor upon request. The advisor may not be a practicing attorney. In the rare instance where civil or criminal court proceedings currently involve a party to the grievance or at the discretion of the Chair, legal counsel may be permitted to serve as an advisor. The advisor may not make a presentation or represent the party bringing a grievance or responding party during the hearing. The parties to the hearing are expected to ask and respond to questions on their own behalf, without representation by their advisor. The advisor may consult with the advisee quietly or in writing, or outside the hearing during breaks, but may not speak on behalf of the advisee to the panel.
- Hearings for possible violations that occur near or after the end of an academic term
will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 60-day goal for resolution.

c. Hearing Procedures

EGP Hearings will be convened, usually within one to two weeks of the completion of the investigation, and will be conducted in private. The Conduct Panel has the authority to hear all collateral misconduct, meaning that it hears all allegations of discrimination, harassment and retaliation, but also may hear any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within Conduct Panel jurisdiction. Accordingly, investigations should be conducted with as wide a scope as necessary.

Participants will include the non-voting Chair, the three members of the panel, the investigator(s) who conducted the investigation on the grievance, the party bringing a grievance and responding party(ies) (or three organizational representatives in a case where an organization is charged), advisors to the parties and any called witnesses. The Chair will exchange the names of witnesses the College intends to call, all pertinent documentary evidence and any written findings from the investigators between the parties at least two business days prior to the hearing. In addition, the parties will be given a list of the names of each of the Conduct Panel members at least two business days in advance of the hearing. Should either (any) party object to any panelist, he/she must raise all objections, in writing, to the Chair immediately. Panel members will only be unseated if the Chair concludes that their bias precludes an impartial hearing of the grievance. Additionally, any panelist or Chair who feels he/she cannot make an objective determination must recuse himself or herself from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.

The Chair, in consultation with the parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) during the hearing. All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties. If alternative questioning mechanisms are desired (screens, Skype, questions directed through the Chair, etc.), the parties should request them from the Chair at least two business days prior to the hearing.

Once the procedures are explained and the participants are introduced, the investigator will present the report of the investigation first, and be subject to questioning by the parties and the Conduct Panel. The investigator(s) will be present during the entire hearing process, but
will only be present during deliberations at the request of the Chair. The findings of the investigation are not binding on the panel, though any undisputed conclusions of the investigation report will not be revisited, except as necessary to determine sanctions/responsive actions. Once the investigator(s) is/are questioned, the Conduct Panel will permit questioning of and by the parties, and of any present witness. Questions may be directed through the panel at the discretion of the Chair.

Formal rules of evidence will not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern evidence. The Chair will address any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility. The Chair will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on his/her own behalf.

Unless the Chair determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless they show a pattern, or (2) the sexual history of or the character of the victim/party bringing a grievance.

There will be no observers in the hearing. The Chair may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the panel or the parties involved. The panel does not hear from character witnesses, but will accept up to two letters supporting the character of the individuals involved.

In hearings involving more than one accused individual or in which two parties bringing a grievances have accused the same individual of substantially similar conduct, the standard procedure will be to hear the grievances jointly; however, the Title IX/Equity/AA Coordinator may permit the hearing pertinent to each responding party to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding party.

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to MPCC consequences for failure to do so. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.

Hearings are recorded for purposes of review in the event of an appeal. Conduct Panel members, the parties and/or the persons who initiated the action, and appropriate administrative officers of the College will be allowed to listen to the recording in a location determined by the Title IX/Equity/AA Coordinator or designee. No person will be given or
be allowed to make a copy of the recording without permission of the Title IX/Equity/AA Coordinator. Persons given access to the recording will be required to sign an agreement confirming that they will protect the privacy of the information contained in the recording.

d. Decisions

The Conduct Panel will deliberate in closed session to determine whether the responding party is responsible or not responsible for the violation(s) in question. The panel will base its determination on a preponderance of the evidence (i.e., whether it is more likely than not that the accused individual committed each alleged violation). If an individual responding party or organization is found responsible by a majority of the panel, the panel will recommend appropriate sanctions to the Title IX/Equity/AA Coordinator.

The Chair will prepare a written deliberation report and deliver it to the Title IX/Equity/AA Coordinator, detailing the finding, how each member voted, the information cited by the panel in support of its recommendation and any information the hearing panel excluded from its consideration and why. The report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Title IX/Equity/AA Coordinator within two (2) days of the end of deliberations.

The Title IX/Equity/AA Coordinator will inform the accused individual and the party bringing a grievance of the final determination within 2-3 business days of the hearing, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties’ College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

e. Sanctions

Sanctions or responsive actions will be determined by the Conduct Panel. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual’s disciplinary history
- Previous grievances or allegations involving similar conduct
- Any other information deemed relevant by the Conduct Panel
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
The need to remedy the effects of the discrimination, harassment and/or retaliation on the victim and the community

i. Student Sanctions

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- **Warning**: A formal statement that the behavior was unacceptable and a warning that further infractions of any College policy, procedure or directive will result in more severe sanctions/responsive actions.

- **Probation**: A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any College policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders and/or other measures deemed appropriate.

- **Recommendation to the Campus Vice President for Suspension**: Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at MPCC. This sanction will be noted as a Conduct Suspension on the student’s official transcript.

- **Recommendation to the College President Expulsion**: Permanent termination of student status, revocation of rights to be on campus for any reason or attend College-sponsored events. This sanction will be noted as a Conduct Expulsion on the student’s official transcript.

- **Recommendation to the College President for Withholding Diploma**: The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a grievance pending, or as a sanction if the student is found responsible for an alleged violation.

- **Recommendation to the College President for Revocation of Degree**: The College reserves the right to revoke a degree awarded from the College for fraud, misrepresentation or other violation of College policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.

- **Organizational Sanctions**: Deactivation, de-recognition, loss of all privileges for a specified period of time.

- **Other Actions**: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate (See MPCC Student Code of
ii. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation include warning, required counseling, demotion, suspension with pay, suspension without pay and termination.

f. Withdrawal or Resignation While Charges Pending

Students: The College does not permit a student to withdraw if that student has a grievance pending for violation of the policy on Equal Opportunity, Harassment and Nondiscrimination, or for charges under the Code of Student Conduct. Should a student decide to leave and not participate in the investigation and/or hearing, the process will nonetheless proceed in the student’s absence to a reasonable resolution and that student will not be permitted to return to MPCC unless all sanctions have been satisfied.

Employees: Should an employee resign while charges are pending, the records of the Title IX/Equity/AA Coordinator will reflect that status, as will MPCC responses to any future inquiries regarding employment references for that individual. The Title IX/Equity/AA Coordinator will act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

g. Appeals

All requests for appeal considerations must be submitted in writing to the Title IX/Equity/AA Coordinator within three business days of the delivery of the written finding of the Conduct Panel.

A three-member Conduct Appeals Panel designated by the Title IX/Equity/AA Coordinator who was not involved in the grievance previously will consider all appeal requests. Any party may appeal, but appeals are limited to the following:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed are substantially disproportionate to the severity of the violation.
The Conduct Appeals Panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. When any party requests an appeal, the other party (parties) will be notified and joined in the appeal. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately.

Where the Conduct Appeals Panel finds that at least one of the grounds is met, and proceeds, additional principles governing the hearing of appeals include the following:

- Appeals decisions by the Conduct Appeals Panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full rehearsings of the grievance. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original hearing panel for reconsideration. Other appeals may be remanded at the discretion of the Title IX/Equity/AA Coordinator or heard by the three-member panel of the Conduct Appeals Panel.
- Sanctions imposed are implemented immediately unless the Title IX/Equity/AA Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The Title IX/Equity/AA Coordinator will normally, after conferring with the Conduct Appeals Panel, render a written decision on the appeal to all parties within 2-3 business days from hearing of the appeal.
- All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.
- Once an appeal is decided, the outcome is final: further appeals are not permitted.

h. Failure to Complete Sanctions/Comply with Responsive Actions

All responding parties are expected to comply with conduct sanctions/responsive/corrective actions within the time frame specified by the Title IX/Equity/AA Coordinator. Failure to follow through on conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the College and may be noted on a student’s official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX/Equity/AA
Coordinator.

i. Records

In implementing this policy, records of all grievances, resolutions, and hearings will be kept by the Title IX/Equity/AA Coordinator indefinitely in the Title IX Coordinator database and, when involving College students, the Dean of Students will maintain in the Jenzabar Judicial Database.

j. Statement of the Rights of a Party Bringing a Grievance

- To be treated with respect by College officials.
- To take advantage of campus support resources.
- To experience a safe living, educational and work environment.
- To have an advisor during this process.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- To be free from retaliation.
- To have grievances heard in substantial accordance with these procedures.
- To full participation of the injured party in any Conduct Panel process whether the injured party is serving as the party bringing a grievance or the College is serving as party bringing a grievance.
- To be informed in writing of the outcome/resolution of the grievance, sanctions where permissible and the rationale for the outcome where permissible.
- Refer to law enforcement and have assistance.
- Housing and living accommodations.
- No contacts.

k. Statement of the Rights of the Responding Party

- To be treated with respect by College officials.
- To take advantage of campus support resources.
- To have an advisor during this process.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To have grievances heard in substantial accordance with these procedures.
- To be informed of the outcome/resolution of the grievance and the rationale for the outcome, in writing.

8. Revision
These policies and procedures will be reviewed and updated annually by the Title IX/Equity/AA Coordinator. The Title IX/Equity/AA Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. However, the Title IX/Equity/AA Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

This policy and procedure was implemented in August 2014 and last updated December 2017.