

Coast Community College District
ADMINISTRATIVE PROCEDURE
Chapter 3
General Institution

AP 3910 Title IX: Sex Discrimination and Sex-Based Harassment – Interim Administrative Procedure

References:

Education Code §§ 210-212.6, 66250-66293, 67380-67393
Penal Code §§ 240-248, 261-269, 13700-13702
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681
34 Code of Federal Regulations Part 106
Title 5 of the California Code of Regulations, Sections 59310-59342
Board Policy and Administrative Procedure 3410, 3435, and 5500

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SECTION I - DEFINITIONS

Advisor: is any person chosen by a Party or appointed by the College/District to accompany the Party to meetings and proceedings related to the Resolution Process.

Affirmative Consent¹ means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest, resistance, or silence does not mean Affirmative Consent.

Affirmative Consent must be ongoing throughout the sexual activity and can be withdrawn or revoked at any time. Once one person withdraws or revokes consent, the sexual activity must stop immediately. Affirmative Consent to one form of sexual activity (or one sexual act) does not constitute Affirmative Consent to other forms of sexual activity. Affirmative Consent given to sexual activity on one occasion does not constitute Affirmative Consent on another occasion. The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to indicate Affirmative Consent.

Affirmative Consent must be voluntary (an act of free will), and given without force, coercion, threats, or intimidation. For purposes of this definition:

- Force means the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion (unreasonable pressure for sexual activity) that overcomes free will or resistance or that produces consent.
- There is no requirement for a person to resist the sexual advance or request, but resistance is a clear demonstration of non-consent.

It shall not be a valid excuse that the Respondent believed that the Complainant consented to the sexual activity if the Respondent knew or reasonably should have known the Complainant was unable to consent to the sexual activity under any of the following circumstances:

- The Complainant was asleep or unconscious.
- The Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity.
- The Complainant was unable to communicate due to a mental or physical condition.

It shall not be a valid excuse that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent. A person's own intoxication or incapacitation from drugs, alcohol, or medication does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

¹ See Education Code § 67386(a)(1).

Sexual activity with a minor (under 18 years old) is never consensual because a minor is incapable of giving legal consent due to age.

This Title IX procedure is applicable regardless of the Sexual orientation or Gender Identity of the participants engaging in the sexual activity.

Appeal Decision Maker is the person who accepts or rejects a submitted appeal request, determines whether any of the grounds for appeal are met, and directs responsive action(s) accordingly.

Collateral Misconduct refers to violations of other District policies that happen at the same time as the alleged main violation or are discovered during the investigation of the main violation. These additional violations are addressed together with the main violation to provide a single resolution for all the charges.

Complaint is an oral or written request to the District that can objectively be understood as a request for the District to investigate and make a determination about alleged Sex Discrimination, or Sex-Based Harassment, including Retaliation.

Complainant is a Student or Employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination, Sex-Based Harassment, or Retaliation, or a person other than a Student or Employee, such as an applicant, who is alleged to have been subjected to such conduct, and who was participating or attempting to participate in the District's education program or activity at the time of the alleged conduct. The District recognizes the legal rights of parents or guardians to act on behalf of the Complainant if the Complainant is a minor.

College refers to any one of the three Colleges (i.e., Coastline College, Golden West College, and Orange Coast College) within the District.

Dating Violence² is 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 a romantic or intimate relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Day means calendar day unless otherwise stated. **Business Day** means a day that the District or College are open for business to the public, and excludes holidays and weekends.

Decision Maker is the person who hears evidence, determines relevance, and makes the Final Determination of whether the allegations in the Complaint are sustained as constituting Sex Discriminations, Sex-Based Harassment, or Retaliation and assigns Sanctions, as appropriate. The Decision Maker is the College Disciplinary Officer or designee. The Decision Maker for Employee Respondents is the Vice Chancellor of Human Resources.

District is the Coast Community College District.

² See 34 C.F.R. § 668.46.

District Human Resources Representative refers to the District’s Vice Chancellor of Human Resources, or designee, assigned to work with the Title IX Coordinator in the investigation of Sexual Harassment cases involving Employees to Student, or Student to Employee, to ensure conformance with applicable personnel policies and procedures.

Domestic Violence is a felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the Complainant;
- A person with whom the Complainant shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
- A person similarly situated to a spouse of the Complainant under California law; or
- Any other person against an adult or youth Complainant who is protected from that person’s acts under California law.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. Cohabiting individuals must be current or former spouses, have an intimate relationship, or share a common goal and be similarly situated pursuant to California family law.

Employee means a person hired by the District to perform work for a prescribed rate of compensation, but does not include independent contractors.

Final Determination is a conclusion based on the Preponderance of the Evidence standard that the alleged conduct did or did not constitute Sex Discrimination, Sex-Based Harassment, or Retaliation.

Finding is a conclusion based on the Preponderance of the Evidence standard that the conduct did or did not occur as alleged (as in a “finding of fact”).

Gender³ means sex, and includes a person’s Gender Identity, Gender Expression, and transgender status.

Gender Identity means a person’s identification as a man, woman, genderqueer, two-spirit, a gender different from the person’s assigned sex at birth, or Transgender.

Gender Expression⁴ means a person’s gender-related appearance or behavior whether or not stereotypically associated with the person’s assigned sex at birth.

Hostile Environment Harassment involves unwelcome Sex- and/or Gender-based conduct, that, based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from an education program or activity of the District. It is a fact-specific inquiry to determine whether a hostile environment has been created, and the following factors may be considered in making such a determination: (i) the degree to which the conduct affected the Complainant’s ability to access the education program or activity; (ii) the type, frequency, and duration of the

³ See Education Code § 210.7 and § 66260.7.

⁴ See Education Code § 210.7 and § 66260.7.

conduct; (iii) the Parties' ages, roles, previous interactions, and other factors about each Party that may be Relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) any other pertinent Sex-Based Harassment.

Informal Resolution is a resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a Final Determination in the Resolution Process.

Investigation Report is the Investigator's summary of all relevant evidence gathered during the investigation. Variations include the draft investigation report and the final investigation report.

Investigator is the person designated by the District to gather facts about allegation in a Complaint, assess relevance and credibility, synthesize the evidence, and compile this information into an Investigation Report. The Investigator shall not be within the administrative control or authority of the Parties.

Not Responsible: means, based on the Preponderance of Evidence standard, that the Respondent did not engage in the alleged conduct.

Notice is when an Employee, Student, or third party informs the Title IX Coordinator of the alleged occurrence of Sex Discrimination or Sex-Based Harassment, including Retaliation.

Party means either the Complainant or the Respondent. The term **Parties** means both the Complainant and Respondent collectively.

Pregnancy or Related Conditions include pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom.

Preponderance of the Evidence means the greater weight of the evidence (*i.e.*, the evidence on one side outweighs, preponderates over, or is more than the evidence on the other side). The Preponderance of the Evidence is the applicable standard of proof for demonstrating facts and reaching conclusions in a hearing conducted pursuant to this Title IX Procedure.

Protected Status includes age, disability (physical or mental), Sex, Gender, Gender Identity (including Transgender), Gender Expression, genetic information, immigration status, marital status, medical condition, national origin, Pregnancy or Related Conditions, race and ethnicity (including color or ancestry), religion and religious creed, Sexual Orientation, and veteran and military status.

Quid Pro Quo Harassment occurs when an employee, agent, or other person authorized by the District to provide an aid, benefit, or service explicitly or impliedly conditions the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct.

Relevant Evidence is evidence that may aid the Decision Maker in determining whether the allegations of Sex Discrimination, Sex-Based Harassment, or Retaliation occurred, or in determining the credibility of the Parties or of witnesses.

Remedies are measures provided, as appropriate, to a Complainant or any other person that the District identifies as having had their equal access to the District's education program or activity limited or denied by Sex Discrimination or Sex-Based Harassment. Remedies are provided to restore or preserve a person's access to the District's education program or activity after the District determines that a violation has occurred.

Reporter is any person, other than the Complainant, who reports allegations of Sex Discriminations, Sex-Based Harassment, or Retaliation

Resolution Process is the investigation and resolution of allegations of Sex Discrimination, Sex-Based Harassment, or Retaliation, including Informal Resolution, and/or hearing resolution.

Respondent is an individual who is alleged to have engaged in conduct that could constitute Sex Discrimination, Sex-Based Harassment, or Retaliation. The District recognizes the legal rights of parents or guardians to act on behalf of the Respondent if a minor. The Respondent must be a participant in an education program or activity of the District in order for this Title IX Procedure to apply.

Responsible means, based on the Preponderance of Evidence standard, that the Respondent engaged in Sex Discrimination, Sex-Based Harassment, or Retaliation as alleged.

Retaliation is adverse action, including intimidation, threats, coercion, or discrimination against any person, by the District, a Student, Employee, or a person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege set forth in this Title IX Procedure, or because the person has engaged in an activity protected under this Title IX Procedure, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in an investigation or Resolution Process under this Title IX Procedure, including in an Informal Resolution process, or participating in any other actions taken by the District to promptly and effectively end any Sex Discrimination or Sex-Based Harassment in its education program or activity, to prevent its recurrence, or to remedy its effects. This includes Retaliation by a Student against another Student.

Sanctions are the consequences imposed on a Respondent following a determination that the Respondent violated the District's prohibitions of Sex Discrimination, Sex-Based Harassment, or Retaliation. Board Policy 5500 and Administrative Procedure 5500 outline the Sanctions that the College Disciplinary Officer or designee may impose on a Student Respondent following the determination of responsibility.

Sex⁵ includes, but is not limited, to pregnancy, childbirth, breastfeeding, and any related medical conditions.

Sex-Based Harassment is a form of Sex Discrimination and means Sexual Harassment and other harassment on the basis of Sex that is either Quid Pro Quo Harassment, Hostile Environment Harassment, or a specific offense identified in this Title IX Procedure including Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

⁵ See Government Code § 12926(r).

Sex Discrimination is different treatment with respect to an individual's employment or participation in an education program or activity, based in whole or in part, upon the individual's actual or perceived Sex-based or Gender-based protected characteristics, parental, family or marital status; sex stereotypes; sex characteristics; pregnancy and related conditions; Sexual Orientation; Gender Expression; or Gender Identity. Sex Discrimination can take two primary forms:

(1) Disparate Treatment Discrimination is any intentional differential treatment of a person or persons that is based on an individual's actual or perceived characteristics and that excludes an individual from participation in; denies the individual benefits of; or otherwise adversely affects a term or condition of an individual's participation in the District's education program or activity.

(2) Disparate Impact Discrimination occurs with policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that excludes an individual from participation in; denies the individual benefits of; or otherwise adversely affects a term or condition of an individual's participation in the District's program or activity.

Sex Stereotyping means an assumption about a person's appearance or behavior or about a person's ability or inability to perform certain kinds of work based on a myth, social expectation, or generalization about the person's Sex.

Sexual Assault⁶ is a sex offense. It is any sexual act directed against another person, without consent of the Complainant, including instances where the Complainant is incapable of giving consent. Sex offenses include rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

(1) Rape is penetration, no matter how slight without the Affirmative Consent of the Complainant;

(2) Sodomy is the anal penetration of the Complainant by the Respondent, without the Affirmative Consent of the Complainant.

(3) Sexual Assault with an Object is the Respondent's use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of the Complainant, without the Affirmative Consent of the Complainant.

(4) Fondling is the touching of the private body parts (e.g., breasts, buttocks, groin) of the Complainant by the Respondent, or causing the Complainant to touch the Respondent's private body parts, intentionally for a sexual purpose, without the Affirmative Consent of the Complainant.

(5) Incest is non-forcible sexual intercourse, between person who are related to each other, within the degrees wherein marriage is prohibited by California law.

⁶ See Penal Code § 240 for Assault; § 242 for Battery; §§ 261-263.1 for Rape, and 34 C.F.R. § 668.46

(6) Statutory Rape is non-forcible sexual intercourse with a person who is under the statutory age of consent of 18 years old.

Sexual Exploitation⁷: means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including but not limited to, any of the following acts:

- Invasion of sexual privacy;
- The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent;
- The distribution of images, including video or photograph, or audio or another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure;
- The prostituting of another person;
- The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion;
- Engaging in voyeurism;
- The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire;
- Knowingly exposing someone to or transmitting a sexually transmitted infection, sexually transmitted disease, or human immunodeficiency virus to another person;
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances or inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Sexual Orientation⁸ means a person's preference in sexual partners and includes heterosexuality, homosexuality, or bisexuality.

Stalking⁹ is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or to suffer substantial emotional distress. For purposes of this definition:

- Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

⁷ See Education Code § 66262.5(b)(3)

⁸ See Education Code § 212.6 and § 66262.7.

⁹ See Penal Code § 646.9 and 34 C.F.R. § 668.46.

Student means any person who has applied for admission, who is or has been enrolled, or who has expressed their intent to enroll for any program within the District, for the period in which the alleged Sex Discrimination or Sex-Based Harassment, including Retaliation occurred.

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Parties, to restore or preserve access to the District's education program or activity, including measures designed to protect the Parties' safety or the District's educational environment, to deter Sex-Based Harassment, to provide support during the process. Supportive Measures may be available in the absence of a formal Complaint or after dismissal of a Complaint, and may not be unreasonably burdensome to a Party. Any Party may appeal the appropriateness or adequacy of Supportive Measures.

Title IX Coordinator is responsible for oversight and coordination of Title IX, Board Policies and Administrative Procedures regarding Title IX, and other related state and federal laws prohibiting Sex Discrimination, Sex-Based Harassment, and Retaliation based on Gender or Sex. If the Title IX Coordinator delegates an investigation, they shall monitor, supervise, and oversee the investigation to ensure that it is conducted in accordance with the standards, procedures, and timelines set forth in this Title IX Procedure.

Transgender is a general term that refers to a person whose Gender Identity differs from the person's sex assigned at birth. A Transgender person may or may not have a Gender Expression that is different from the social expectation of the sex assigned at birth.

Title IX Team includes but not limited to, the Title IX Coordinator, the Investigator, the Hearing Chair, Appeal Committees), and District-appointed Advisors.

Unauthorized Disclosure means distributing or publicizing materials created or produced during an investigation or Resolution Process, except as required by law or expressly permitted by the District, or publicly disclosing a Party's personally identifiable information without authorization or consent.

SECTION II – OVERVIEW OF PROCEDURES

The District is committed to equal opportunity in and access to its educational programs, activities, and employment. The District embraces the principle of diversity and values differences in age, disability (physical or mental), Sex, Gender, Gender Identity (including Transgender status), Gender Expression, genetic information, immigration status, marital status, medical condition, national origin, Pregnancy or Related Conditions, race and ethnicity (including color or ancestry), religion and religious creed, Sexual Orientation, veteran and military status, and other characteristics that make our community unique.¹⁰

Students, staff, administrators, and faculty are entitled to an educational and working environment free from Sex Discrimination and Sex-Based Harassment.

¹⁰ Key capitalized terms are defined in Section I (Definitions) of this Title IX procedure. Terms contained within this Title IX Procedure are intended to be gender neutral.

The District's grievance procedure for all Complaints includes the following components:

- Equitable treatment of the Parties.
- Conflict-of-interest and bias-free Title IX Coordinators, Investigators, and Decision Makers.
- Presumption that the Respondent is not responsible until a Finding is made.
- Reasonably prompt timeframes for all major stages.
- Reasonable steps to protect privacy of the Parties and the witnesses during the grievance procedures.
- Objective evaluation of Relevant evidence and the exclusion of impermissible evidence.
- Notice of allegations to the Parties.
- Permitted consolidation of Complaints in certain circumstances.
- Burden on the District to gather evidence and to decide what is Relevant Evidence.
- Equal opportunity for the Parties to present witnesses and other evidence.
- Equal opportunity for the Parties to access Relevant Evidence and not otherwise impermissible evidence.
- A process for assessing credibility when credibility is in dispute and relevant.
- Use of the Preponderance of the Evidence standard.
- If it is determined that a violation occurred, Remedies for the Complainant or others; Sanctions for those found to be Responsible; and other appropriate prompt and effective steps to ensure that such violations do not continue or recur.
- The option for Parties to participate in Informal Resolution processes.
- An appeal process.

This Title IX Procedure is applicable only to alleged incidents of Sex Discrimination and Sex-Based Harassment, including Retaliation that occur after August 1, 2024. For alleged incidents of sexual harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply and are available [HERE](#).

No provision of this Title IX Procedure shall be interpreted to prohibit conduct that is protected under academic freedom as defined in BP 4030, or the U.S. or California Constitutions. Additionally, this Title IX Procedure does not override the provisions of BP/AP 3410, 3435, and 5500 or of Title 5 of the California Code of Regulations, Sections 59310-59342 pertaining to complaints and investigations of unlawful discrimination.

2.1 Prohibited Conduct

The District prohibits:

1. Sex discrimination
2. Sex-Based Harassment
 - a. Quid Pro Quo
 - b. Hostile Environment
 - c. Dating Violence
 - d. Domestic Violence
 - e. Stalking; and
3. Retaliation

2.2. Board Policy and Administrative Procedure on Nondiscrimination

The District strives to be free of all forms of discrimination because of a Protected Status; *e.g.*, age, disability (physical or mental), Sex, Gender, Gender Identity (including Transgender status), Gender Expression, genetic information, immigration status, marital status, medical condition, national origin, Pregnancy or Related Conditions, race and ethnicity (including color or ancestry), religion and religious creed, Sexual Orientation, and veteran and military status. The District does not discriminate unlawfully in providing educational or employment opportunities to any person on the basis of a Protected Status. Refer to Board Policy Administrative Procedure 3410.

2.3 Board Policy and Administrative Procedure on Prohibition of Harassment

Students, staff, administrators, and faculty are entitled to a working and educational environment free from discrimination and harassment. Unlawful Harassment is prohibited by state and federal law, as well as to Board Policy Administrative Procedure 3435. Apply BP/AP 3435 for Complaints where Employees are the Respondents.

2.4 Board Policy and Administrative Procedure on Sexual and Other Assaults on Campus

The District does not tolerate acts of Sexual Assault, including Domestic Violence, Dating Violence, and Stalking. See Board Policy and Administrative Procedure 3540. Employees are subject to the terms of their respective collective bargaining agreements to the extent that those agreements do not conflict with federal or state law.

SECTION III - OVERSIGHT OF TITLE IX PROCEDURE

The District's Title IX Coordinator is Crystal Crane, Executive Director, Human Resources and Employee/Employer Relations, (714) 438-4708, ccrane@ccd.edu, located at the District Office (1370 Adams Avenue, Costa Mesa, CA 92626).

The District has also authorized Title IX Coordinators at each College with coordinating the District's responsibilities under Title IX and this Title IX Procedure.

- Coastline College Title IX Coordinator is Dr. Leighia Fleming, Interim, Dean of Students (714) 241-6130, lfleming5@coastline.edu, located on the second floor of the College Center, room 228 (11460 Warner Ave, Fountain Valley CA 92708).
- Golden West College Title IX Coordinator is Dr. Carla Martinez, Dean of Students, (714) 895-8781, cmartinez@gwc.cccd.edu, located on the third floor of the Learning Resources Center (15744 Goldenwest St, Huntington Beach CA 92647).
- Orange Coast College Title IX Coordinator is Shannon Quihuiz, Dean, Student Relations and Title IX, (714) 432-5930, squihuiz@occ.cccd.edu, located on the second floor of the Student Union, suite 202 (2701 Fairview Road, Costa Mesa CA 92626).

Collectively, these individuals are responsible for providing comprehensive nondiscrimination education and training coordinating the District's timely, thorough, and fair response, investigation, and resolution of all alleged prohibited conduct under this Title IX Procedure and monitoring the effectiveness to ensure an educational and employment environment free from Sex Discrimination, Sex-Based Harassment, and Retaliation.

Independence and Conflict-of-Interest

The Title IX Coordinator advises the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all processes under

this Title IX Procedure. The members of the Title IX Team are trained to ensure they are not biased for or against any Party in a specific case, or for or against Complainants or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator or report misconduct or discrimination committed by the Title IX Coordinator, contact the District Vice Chancellor of Human Resources or the College's President. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

3.1 External Contact Information

Concerns about the District's application of this Title IX Procedure and compliance with certain civil rights laws may also be addressed to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Direct concerns involving employee-on-employee conduct to the Equal Employment Opportunity Commission ("EEOC") or to the California Civil Rights Department.

SECTION IV - JURISDICTION

This Title IX Procedure applies to the education programs and activities of the District. Education programs or activities refers to locations, events, or circumstances where the District exercised substantial control over the context in which Sex Discrimination, Sex-Based Harassment, and/or Retaliation occurred, including, but not limited to the District, the Colleges, its property (including offsite locations owned, rented, leased, or operated by the District or the Colleges), on-campus student housing facilities, through online services, and at District/College-sponsored programs, activities, and travel.

The Respondent must be a Student at the time of the alleged incident in order for this Title IX Procedure to apply. If the Respondent is unknown or is not a member of the District community, the Title IX Coordinator will offer to assist the Complainant in identifying appropriate Supportive Measures, Remedies, and/or referral to local law enforcement when criminal conduct is alleged and the individual would like to file a police report.

This Title IX Procedure also may apply to the effect of off-campus misconduct and online misconduct that contributes to a hostile environment that limits or denies a person's access to the District's education program or activity and/or affects a substantial District interest.

A substantial District interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- Any situation in which it is determined that the Respondent poses an immediate threat to the health or safety of any Student, Employee, or other individual.
- Any situation that significantly infringes on the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
- Any situation that substantially interferes with the District’s educational interest or mission.

This Title IX Procedure is written and interpreted broadly to include online manifestations when the misconduct occurs in or has an effect on the District’s education program or activity, or when they involve the use of the District’s networks, technology, or equipment. Nothing in this Title IX Procedure is intended to infringe upon or limit a person’s rights to free speech. Any online posting or other electronic communication by Students, including technology-facilitated bullying, Stalking, harassment, etc., occurring completely outside of the District’s control (e.g., not on the District’s networks, websites, or between the District’s email accounts) will be subject to this Title IX Procedure only when such online conduct can be shown to cause (or will likely cause) a substantial in-program disruption or infringement on/harm to the rights of others. Otherwise, such communications may be considered speech protected by the First Amendment.

SECTION V - STANDARD OF PROOF

The District uses the Preponderance of the Evidence standard of proof when determining whether Sex Discrimination, Sex-Based Harassment, and/or Retaliation occurred. Preponderance of the Evidence means the greater weight of the evidence, on one side outweighs, preponderates over, or is more than the evidence on the other side based upon the available information at the time of the decision. The Respondent will be found either Responsible or Not Responsible based on the Preponderance of the Evidence.

SECTION VI - CORRESPONDENCE

The District shall deliver all correspondence to Students and Employees at their District-assigned email address. At the discretion of the District, Students may be notified by another email address, by mail, or by in-person delivery.

SECTION VII - REASONABLE ACCOMMODATIONS

7.1 Reasonable Accommodations of Disabilities

The District is committed to providing reasonable accommodations to qualified Students and Employees with disabilities to ensure equal access to the Districts Resolution Process. Accommodation requests by Students, such as for sign language or assistive technology, are facilitated by Disabled Student Programs and Services (“DSPS”). Accommodation requests by

Employees are facilitated by the Human Resources. Anyone needing such accommodations should contact the respective office, or inform the Title IX Coordinator for a referral.

7.2 Interpreters

An interpreter may be used to improve communications for Parties with limited English language proficiency. The Parties may have an interpreter present during any meeting or proceeding at their own expense; the District is not obligated to provide one. An interpreter will not be considered a Party's Advisor. An interpreter may explain the meaning of words only to the Party who requested the interpreter. An interpreter may not expand or enhance the Parties' statements.

If a Party chooses to have an interpreter present, the Party must notify the Title IX Coordinator no later than five Days prior to any meeting or proceeding.

SECTION VIII - ADVISOR

The Parties may each have an Advisor present with them to any meetings, interviews, or proceedings within the Resolution Process. The Advisor can be a friend, family member, mentor, attorney, or any other individual chosen by the Party.

The Title IX Coordinator will offer to assign a trained Advisor if desired by a Party. If a Party chooses an Advisor from the District's pool, that Advisor will be trained and familiar with the District's Resolution Process. However, if one Party selects an attorney as their Advisor and the other Party does not, the District is not obligated to provide an attorney.

The Advisor's role is to provide consultation and support to a Party. The Advisor may inspect and review all evidence directly related to the allegations and the investigative report that summarizes relevant evidence. Advisors are expected to help the Parties prepare for meetings and to advise ethically and in good faith. Advisors may not provide testimony or speak on behalf of their Party. The Parties are expected to ask and respond to questions on their own behalf throughout the Resolution Process. Advisors may consult with their Party privately or by conferring or passing notes during any meeting or interview. The Party and their Advisor may also request breaks to allow for private consultation.

The Parties must notify the Title IX Coordinator of their Advisor seven Business Days prior to any hearing so that the necessary arrangements can be made. If the Parties choose an attorney as their Advisor, they must provide the attorney's name, address, phone number, and State Bar number should be given to the Title IX Coordinator.

Advisors are expected to maintain the confidentiality of the records shared with them. Advisors must respect the sensitive nature of the process and abide by the District's confidentiality expectations. Any Advisor who oversteps their role, shares information improperly, or disrupts proceedings will be warned and may be removed if they continue to violate the policy.

The District expects Advisors to adjust their schedules to attend meetings and interviews when planned. However, the District may reschedule to accommodate an Advisor's inability to attend if it does not cause unreasonable delay. All Advisors are subject to the same policies and

procedures, regardless of whether they are attorneys or not, and whether they are selected by a Party or appointed by the District.

SECTION IX - REPORTING SEX DISCRIMINATION, SEX-BASED HARASSMENT, OR RETALIATION

9.1 Notice and Timeframe for Reports or Complaints

Any person may report Sex Discrimination, Sex-Based Harassment, or Retaliation at any time, whether or not the person reporting is the person alleged to be the Complainant of such conduct.

A report provides Notice to the District, and gives the Title IX Coordinator an opportunity to respond and provide Supportive Measures. In contrast, a Complaint is an oral or written request to the District indicating that the Complainant would like to initiate an investigation or other Resolution Process.

A Complainant or individual may initially make a report and decide at a later time to file a Complaint. Making a report carries no obligation to initiate a Complaint, and in most situations, the District is able to respect a Complainant's request to not initiate a Resolution Process. However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where the District may need to initiate a Resolution Process. If a Complainant does not wish to file a Complaint, the District will maintain the privacy of information to the extent possible.

There is no time limitation on a report or Complaint to the Title IX Coordinator. However, if the Respondent is no longer subject to the District's jurisdiction and/or significant time has passed, the ability to respond, investigate, and/or provide Remedies may be more limited or impossible.

9.2 Reporting Options

1. Reports or Complaints of Sex Discrimination, Sex-Based Harassment, and/or Retaliation may be made using any of the following options: Provide oral or written Notice directly to the Title IX Coordinator. Reports or Complaints may be made in person, by mail, by telephone, or by email using the contact information in Section III above;
2. Submit an electronic reporting form available on the College's or District's Title IX website. Note that the online form will not be viewed as a Complaint unless expressly communicated as such by the Complainant.
3. 3. Anonymous Notice is accepted, but the Notice may give rise to a need to try to determine the Parties' identities. Anonymous Notice typically limits the District's ability to investigate, respond, and provide remedies, depending on what information is shared. It also may not be possible to provide Supportive Measures to Complainants who are the subject of anonymous Notice.

9.3 Response to Notice

The District will act on any Notice of Sex Discrimination, Sex-Based Harassment, and/or Retaliation that is received by the Title IX Coordinator. The District will provide a prompt, effective, and equitable response and initiate an initial evaluation. The Title IX Coordinator will contact the Complainant or Reporter to offer Supportive Measures, provide information regarding the Resolution Process, and determine how they wish to proceed.

9.4 Supportive Measures

The Title IX Coordinator shall promptly offer and implement appropriate and reasonable Supportive Measures to the Parties upon Notice/knowledge or a Complaint of alleged Sex Discrimination, Sex-Based Harassment, or Retaliation.

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without charge to the Parties to restore or preserve access to the District's education program or activity, including measures designed to protect the safety of the Parties or the District's educational environment, and to deter Sex Discrimination, Sex-Based Harassment, and/or Retaliation.

Supportive Measures may include, but are not limited to:

- Academic assistance (*e.g.*, excused absence, permitting late assignments, retaking assignments, grade change, class schedule modifications, withdrawal, leaves of absence, tutoring) in consultation with the applicable faculty/Dean;
- Campus/Public Safety escort;
- Education and training;
- Implementing contact limitations (*e.g.*, no contact orders) between the Parties;
- Increased security and monitoring of certain areas on campus;
- No-trespass orders;
- On-campus employment assistance (*e.g.*, adjustments to work schedule or assignment) in consultation with Human Resources;
- On-campus housing assistance (*e.g.*, altering room assignment), if available;
- Other measures deemed appropriate by the Title IX Coordinator;
- Referral to counseling, medical, and/or other healthcare services;
- Referral to the Employee Assistance Program, if an Employee;
- Referral to off-campus community-based service providers;
- Referral to visa and immigration assistance
- Safety planning; and
- Timely warnings.

The District will maintain the privacy of the Supportive Measures, provided that privacy does not impair the District's ability to provide the Supportive Measures. The District will act to ensure as minimal an academic/occupational impact on the Parties as possible. The District will implement Supportive Measures in a way that does not unreasonably burden the other Party.

The Parties are provided with a timely opportunity to seek modification or reversal of the District's decision to provide, deny, modify, or terminate Supportive Measures applicable to them.

A request to do so should be made in writing to the College Vice President of Student Services, or their designee. The College Vice President of Student Services or their designee will render a decision whether to provide, deny, modify, or terminate the Supportive Measures if they are inconsistent with the definition of Supportive Measures in § 106.2 of the federal Title IX regulations. The College Vice President of Student Services or their designee will provide the Party and the Title IX Coordinator with a written determination within seven Business Days of the received request.

9.5 Federal Timely Warning Obligations

The District must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm, or danger to members of the District community.

The District will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in

9.6 Emergency Removal

The District can act to remove a Respondent who is a Student accused of Sex Discrimination, Sex-Based Harassment, or Retaliation entirely or partially from its education program or activity on an emergency basis when an individualized safety and risk analysis has determined that an immediate and serious threat to the health or safety of a Complainant, any Student, Employee, or other individual justifies removal. The safety and risk analysis is performed by the Title IX Coordinator, possibly in conjunction with the Behavioral Intervention/Assessment Team.

The Respondent will be noticed of the emergency removal action, provided with a written rationale, and given the option to request to a meeting with the Title IX Coordinator prior to or as soon as reasonably possible after the removal. This meeting, which is not a hearing on the merits of the allegations, is an administrative process intended solely to determine whether the emergency removal is appropriate, should be modified, or lifted. If the meeting is not requested within two Business Days, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may participate in this meeting if the Title IX Coordinator deems it equitable.

A Respondent may be accompanied by an Advisor of their choice and can provide information, including expert reports, witness statements, communications, and other documentation for consideration. The Respondent will receive a written summary of the basis for the emergency removal two Business Days prior to the meeting to allow for adequate preparation. A Complainant may also provide relevant information for the Title IX Coordinator's review.

The Title IX Coordinator has the discretion to affirm, modify, or lift the emergency removal based on the review or as new information becomes available. The final decision will be communicated in writing, typically five Business Days of the review meeting. There is no appeal process for emergency removal decisions. The Title IX Coordinator will implement the least restrictive emergency action possible in light of the circumstances and safety concerns.

Employee Administrative Leave

The District can act to remove a Respondent who is an Employee by placing the Employee on administrative leave during the Resolution Process, and will conform to all relevant statutes, regulations, and personnel policies and regulations, including the provisions of any applicable collective bargaining agreement.

9.7 Initial Evaluation

The Title IX Coordinator will conduct a prompt and equitable initial evaluation upon receipt of Notice, typically within ten business days. The initial evaluation may include:

- Assess whether the reported conduct may reasonably constitute a violation of this Title IX Procedure.
 - If the conduct may not reasonably constitute a violation of this Title IX Procedure, the matter is typically dismissed, consistent with the dismissal provision below. If applicable, the conduct may be referred to another process.
- Determine whether the District has jurisdiction over the reported conduct.
 - If the conduct is not within the District's jurisdiction, the matter is typically dismissed, consistent with the dismissal provision below. If applicable, the conduct may be referred to another process.
- Offer and coordinate Supportive Measures for the Complainant.
- Offer and coordinate Supportive Measures for the Respondent, as applicable.
- Notify the Complainant, or the Reporter, of the Resolution Processes, including an Informal Resolution option.
- Determine whether the Complainant wishes to make a Complaint.
- Notify the Respondent of the Resolution Processes if a Complaint is made.

9.8 Filing a Complaint

If the Complainant indicates they wish to initiate a Complaint (in a manner that can reasonably be construed as reflecting intent to make a Complaint), the Title IX Coordinator will outline the following options:

- A response solely involving Supportive Measures and Remedies;
- Informal Resolution; and/or
- Resolution Process, described below.

The Title IX Coordinator will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If the Complainant indicates (either orally or in writing) that they want to pursue Informal Resolution, the Title IX Coordinator will first assess whether the matter is suitable for Informal Resolution and then refer the matter, accordingly.

If the Title IX Coordinator determined the District has jurisdiction and the reported conduct may reasonably constitute a violation of this Title IX procedure, and the Complainant elects for the Resolution Process, the Title IX Coordinator will initiate the Resolution Process, described below, and provide the Parties with a Notice of Investigation and Allegations.

9.9 When a Complainant Does Not Wish to Proceed

If a Complainant indicates either orally or in writing that they do not want any action taken, no Resolution Process will be initiated unless deemed necessary by the Title IX Coordinator. The Title IX Coordinator has ultimate discretion over whether the District proceeds when the Complainant does not wish to do so.

The Title IX Coordinator may consider the following non-exhaustive factors to determine whether or not to initiate a Complaint over the wishes of the Complainant:

- The Complainant's request not to proceed with initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;

- The risk that additional acts of reported conduct would occur if a Complaint is not initiated;
- The severity of the reported conduct, including whether the allegations, if established, would require the removal of a Respondent from campus or imposition of another sanctions to stop the behavior, prevent its recurrence, and remedy its effects;
- Whether there is a serious and imminent threat to someone's safety of the broader District community;
- The age and relationship of the Parties, including whether the Respondent is an Employee;
- The scope of the reported conduct, including information suggesting a pattern and ongoing conduct, or if the reported conduct is alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decision Maker in determining whether Sex Discrimination, Sex-Based Harassment, and/or Retaliation occurred;
- Whether the District could end the reported conduct and prevent its recurrence without initiating its Resolution Process.

If deemed necessary, the Title IX Coordinator may consult with its Behavioral Intervention/Assessment Team or other District employees, as appropriate, to aid their determination whether to initiate a Complaint. When the Title IX Coordinator initiates a Complaint, they do not become the Complainant.

9.10 Dismissal of Complaints

A Complaint may be dismissed by the District at any time during the investigation or Resolution Process, for any of the following reasons:

- The conduct alleged in the Complaint does not meet the definition of Sex Discrimination, Sex-Based Harassment, and/or Retaliation.
- The conduct did not occur in a District's education program or activity.

At the time of filing a Complaint, the Respondent was not participating in or attempting to participate in an education program or activity of the District.

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Complaint, and the Title IX Coordinator declines to initiate a Complaint.
- The Respondent is unidentifiable even after a reasonable attempt to identify the Respondent.
- Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the Complaint.

9.11 Notification of Dismissal

The District will promptly send written notice of the dismissal and reasons for the dismissal to the Complainant. If the dismissal occurs after the Respondent has been made aware of the allegations, the District will also notify the Respondent of the dismissal. The Parties have the right to appeal the District's dismissal of a Complaint.

9.12 Local Law Enforcement

Any person has the right to file a civil or criminal complaint based on the same facts that constitute Sex-Based Harassment. The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders and is particularly time sensitive. The District will inform the Complainant of the importance of preserving evidence. Under these circumstances, the local law enforcement criminal investigation is independent from proceedings of the District. A pending police investigation is a separate investigation, and it does not relieve the District of its responsibility to perform a timely investigation of a formal Complaint. Thus, the District may not wait until the conclusion of a police investigation to commence its own investigation if a formal Complaint is filed by a Complainant or signed by the Title IX Coordinator. Although it may be necessary to temporarily delay the District investigation while the police are gathering evidence, once notified that the police have completed the fact-gathering portion of their investigation, the District must promptly resume and complete its own investigation.

9.13 Amnesty¹¹

The District will not initiate student disciplinary proceedings with a Complainant or witness for violations of the Student Code of Conduct (*e.g.*, underage drinking) that occur at or near the time of the incident. However, if the alleged violations of the Student Conduct Code were egregious (*e.g.*, imminent threat to the health or safety of others or academic dishonesty), the District may initiate student disciplinary proceedings and impose sanctions pursuant to BP/AP 5500.

9.14 Employee Obligations¹² - Duty to Report and to Participate in Resolution Processes

All District Employees (including student-employees), other than those deemed confidential Employees, are expected to promptly report all know details of actual or suspected Sex Discrimination, Sex-Based Harassment, and Retaliation to the Title IX Coordinator. An Employee who is themselves a target of Sex Discrimination, Sex-Based Harassment, or Retaliation is not required to report their own experience, though they are encouraged to do so. Employees also have a duty to participate in resolution processes as a witness when requested. Failing to report an incident of Sex Discrimination, Sex-Based Harassment, or Retaliation of which an Employee becomes aware is a violation of District policy, and can be subject to disciplinary action for failure to comply/failure to report.

9.15 Employee Obligations - Confidential Reporting

Confidential Employees are required by law to maintain near or complete confidentiality with limited exceptions discussed below. This means confidential Employees can offer options and advice without any obligation to inform the Title IX Coordinator, unless the Complainant requests their information to be disclosed. They will, however, provide the Complainant with the Title IX Coordinator's contact information and options and resources. Confidential Employees will also timely submit anonymous statistical information for Clery Act purposes, unless they believe it would be harmful to their patient or client.

Additionally, employees conducting human subjects research as part of a study approved by the College Institutional Review Board are not required to report actual or suspected Sex Discrimination, Sex-Based Harassment, and/or Retaliation.

¹¹ See Education Code § 67386(b)(10)

¹² Responsible Employees defined in Education Code § 66281.8(a)(2)(A)-(B)

If the Complainant would like the details of an incident to be kept confidential, they should speak with a designated confidential Employee who does not have a duty to report:

- Health service providers and staff in the College's Student Health Center whose primary assignment is to render medical treatment;
- Licensed professional counselors and staff in the College's Student Health Center whose primary assignment is to render mental health treatment or counseling;
- Sexual assault and domestic violence counselors and advocates who work or volunteer on-campus;
- Off-campus individuals unaffiliated with the District (non-employees):
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - An ordained person in a religion

Exceptions

Under California law, health practitioners are required to make a report to local law enforcement if medical services are provided for a physical condition to a patient whom the practitioner knows or reasonably suspects is suffering from (1) a wound or physical injury inflicted by a firearm, or (2) any wound or physical injury the result of assaultive or abusive conduct.¹³

Employees may have additional reporting requirements as mandatory suspected child abuse and neglect reporters.¹⁴

Finally, some of these Employees also may have reporting obligations under California law to (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger,¹⁵ or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the incident.

SECTION X – RESOLUTION PROCESS

This Resolution Process, consisting of Informal Resolution and Administrative Resolution, is the District's chosen approach to addressing Sex Discrimination, Sex-Based Harassment, and Retaliation. The Resolution Process considers the Parties' preferences but is ultimately determined at the Title IX Coordinator's discretion.

Informal Resolution and Administrative Resolution are confidential. All individuals present at any time during the Resolution Process are expected to maintain the confidentiality of the proceedings in accordance with District policy.

10.1 Resolution Process Pool

¹³ See Penal Code §§ 11160-11163.6.

¹⁴ See Penal Code §§ 11164-11174.3; see also Board Policy and Administrative Procedure 3518.

¹⁵ See Evidence Code § 1024.

The Resolution Process relies on a pool of administrators to carry out the process. Members are trained annually, and can serve in the following roles, at the discretion of the Title IX Coordinator

- Appropriate intake of and initial guidance pertaining to Complaints
- Advisor to Parties
- Informal Resolution Facilitator
- Perform or assist with an initial evaluation
- Investigator
- Decision Maker
- Appeal Decision Maker, including dismissal

The Title IX Coordinator, in consultation with senior administrators as necessary, appoints the Resolution Process pool, which acts with independence and impartiality. Although members are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different Complaints, the District also can designate permanent roles for individuals and may outsource specific roles to professionals or experts as needed.

10.2 Ensuring Impartiality

Any individual involved in the Resolution Process, including the Title IX Coordinator, Investigator, Decision Maker, etc. must not have or show any conflict of interest or bias toward any Party or specific Complainant or Respondent.

The Title IX Coordinator will ensure the impartiality of Resolution Process pool by checking for conflicts of interest or biases. Parties can raise concerns about bias or conflict of interest at any time, and the Title IX Coordinator will assess and address these concerns. If a conflict or bias is found, a new Resolution Process pool member will be assigned, and any impact will be remedied. Concerns about the Title IX Coordinator should be raised with the Vice President of Student Services.

The Resolution Process includes an objective evaluation of all relevant and permissible evidence, both supporting and refuting a Policy violation. Credibility determinations must not be based solely on an individual's status as a Complainant, Respondent, or witness. All Parties can suggest witnesses and questions, provide evidence, and receive a written report summarizing the evidence through the investigation process.

SECTION XI - INFORMAL RESOLUTION

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a final determination, or the Title IX Coordinator may offer the option to the Parties, in writing. The District will obtain voluntary, informed, and written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

Prior to initiating the Informal Resolution process, the District will provide the Parties with a written Notice of Investigation and Allegations that explains the following:

- The allegations within the Complaint;
- The requirements of the Informal Resolution process;

- The right to withdraw from the Informal Resolution process at any time prior to agreeing to a resolution;
- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution process preclude the Parties from initiating or resuming the Resolution Process arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties;
- What information the District will maintain, and whether and how it could disclose such information for use in its Resolution Process.

It is not required to pursue Informal Resolution before initiating an Administrative Resolution. Any Party involved in Informal Resolution can withdraw at any time and initiate or resume the Administrative Resolution process.

The Parties may agree that certain statements or evidence shared during Informal Resolution will not be considered in the Administrative Resolution unless all Parties agree otherwise.

11.1 Categories of Informal Resolution

The District offers four categories of Informal Resolution: Supportive Resolution, Educational Conversation, Accepted Responsibility, and Alternative Resolution. Each of these methods aims to address and resolve complaints in a manner that is non-disciplinary and non-punitive unless otherwise specified.

The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision Maker, or Appeal Decision Maker.

Supportive Resolution

The Title IX Coordinator will meet with the Complainant to determine reasonable Supportive Measures designed to restore or preserve the Complainant's access to the District's education program and activity. Supportive Measures can be modified as the Complainant's needs evolve or circumstances change. If the Respondent has received the NOIA, the Title IX Coordinator may also provide reasonable Supportive Measures for the Respondent, as deemed appropriate. This option is available when the Complainant does not wish to engage other resolution options, and the Title IX Coordinator does not initiate a Complaint.

Educational Conversation

The Complainant may request that the Title IX Coordinator address their allegations by meeting with the Respondent to discuss the concerning behavior and institutional policies and expectations. This conversation is non-disciplinary and non-punitive. The Respondent is not required to attend such meetings or provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter. In light of this conversation or the Respondent's decision not to attend, the Title IX Coordinator may also implement Remedies to clarify policies and expectations and minimize the risk of recurrence of any behaviors that may not align with policy.

Accepted Responsibility

The Respondent may accept responsibility for any or all of the alleged policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all alleged violations, the ongoing process will be paused, and the Title IX Coordinator will determine whether Informal Resolution is an option. If available, the Title IX Coordinator will determine whether all Parties and the District can agree on responsibility, restrictions, Sanctions, responsive actions, and/or Remedies. Once agreed upon, these terms are implemented and the resolution is not subject to appeal. If the Parties cannot agree on all terms, the Resolution Process will either continue or resume. When a resolution is reached, appropriate Sanctions or responsive actions are promptly implemented to stop the behavior, prevent its recurrence, and remedy its effects on the Complainant and the community.

Alternative Resolution

The District offers various Alternative Resolution mechanisms tailored to the specific needs of the Parties and the nature of the allegations. Alternative Resolution may involve individual or community Remedies, including educational programming or training, supported direct conversation or interaction with the Respondent, indirect action by the Title IX Coordinator or other appropriate officials, and other forms of resolution. Some mechanisms result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an Alternative Resolution approach, and direct or indirect contact during the process is optional.

The Title IX Coordinator may consider the following factors to assess whether Alternative Resolution is appropriate or which form may be most successful:

- The Parties' amenability to Alternative Resolution
- Likelihood of potential resolution, considering any power dynamics
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Civility of the Parties
- Results of a violence risk assessment/ongoing risk analysis
- Respondent's disciplinary history
- Whether an emergency removal or other interim action is needed
- Skill of the Alternative Resolution facilitator
- Complexity of the Complaint
- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties
- Adequate resources to invest in Alternative Resolution (e.g., time, staff, etc.)

The Title IX Coordinator has the authority to determine the availability and success of Alternative Resolution, facilitate acceptable resolutions for all Parties, and accept the Parties' proposed resolutions, often including terms of confidentiality, release, and non-disparagement.

Parties cannot impose restrictions or obligations on individuals or groups not involved in the Alternative Resolution process. The Title IX Coordinator will decide if additional Remedies are necessary to meet the institution's compliance obligations.

The Title IX Coordinator keeps records of any resolution reached and the terms will be put in writing and maintained by the District. The Title IX Coordinator may notify the College Disciplinary Officer if any Sanctions of a Student were part of the resolution. Failure to comply

with the resolution agreement may result in disciplinary actions, such as resuming the Resolution Process, referral to the conduct process, or enforcement of the Agreement's terms. Complaints resolved by Alternative Resolution are not appealable.

If Informal Resolution is not available or selected, the District will initiate or continue an investigation and subsequent Resolution Process to determine if this Title IX procedure has been violated.

SECTION XII - ADMINISTRATIVE RESOLUTION

12.1 Investigation of Complaint

The District shall promptly investigate every Complaint unless the Parties give their mutual consent to Informal Resolution.

12.2 Administrative Resolution Timeline

The District will make a good faith effort to complete the Resolution Process within ninety Business Days . The Title IX Coordinator may extend the timeline for any reason deemed legitimate by the District. The Parties will receive regular updates on the progress and timing of the Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

12.3 Notice of Investigation and Allegations

The Title IX Coordinator will provide written the NOIA to the Parties upon commencement of the investigation process. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available. The NOIA shall contain the following information:

- A description of the District's Resolution Process, including the Informal Resolution process;
- A description of the alleged conduct constituting Sex Discrimination, Sex-Based Harassment, and/or Retaliation, including the date and location of the alleged incident and sufficient details of the misconduct being alleged;
- The identities of the Parties involved;
- The specific policies/offenses implicated;
- A statement that the District presumes that the Respondent is not responsible until a determination regarding responsibility is made at the conclusion of the Resolution Process;
- The District's use of the Preponderance of Evidence standard;
- A statement that determinations of responsibility are made at the conclusion of the process, and that the Parties (and their Advisors) will be given an opportunity during the review and comment period to inspect and review all relevant evidence;
- A statement of the potential sanctions/responsive actions that could result;
- Notification of the Parties' right to have an Advisor of their choice;
- A statement informing the Parties that District policy prohibits knowingly making false statements, including knowingly submitting false information during the grievance process;
- Notification of the Investigators, along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest;

- Date, time, and location of the investigatory interview or information and timeframe to schedule this interview;
- A statement that Retaliation is prohibited;
- A link to the District's VAWA brochure;
- A description of, link to, or copy of the applicable procedures.

12.4 Investigation Procedures

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations are completed expeditiously, though some may take longer depending on factors such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other considerations.

The Investigator must gather evidence, including interviewing the Parties and witnesses and obtaining available relevant evidence. If a Party or witness chooses not to participate in the Resolution Process or becomes unresponsive, the District reserves the right to continue without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Title IX Procedure and the opportunity to participate the Resolution Process.

The Parties have a full and fair equal opportunity to present witnesses and expert witnesses, suggest questions they wish the Investigator to ask, provide inculpatory and exculpatory evidence, and fully review and respond to all evidence. The Parties shall receive written notice of the date, time, location, and purpose of any investigation interview or meeting with sufficient time to prepare and participate. The Investigator may decline a Party's request to gather information if the request seeks access to privileged information. Employees (excluding the Complainant and Respondent) are required cooperate with the investigation. Student and external witnesses are expected to cooperate and participate in the investigation.

Interviews may be conducted in person, via online video platforms (e.g., Zoom), or by telephone. Security and privacy of remote interviews will be ensured. Written statements or responses to written questions are allowed but not preferred. Recordings are prohibited.

The investigation does not consider: (a) incidents not directly related to the possible violation, unless they evidence a pattern; (b) the character of the Parties; or (c) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if 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. Credibility determinations may not be based solely on an individual's status or participation as a Party or witness.

The Investigator gathers, assesses, and synthesizes evidence, but makes no conclusions, engages in no policy analysis, and renders no recommendations as part of their investigative report. Prior to the completion of the investigative report, the Investigator sends the Parties and their respective Advisors (if so desired by the Parties) an electronic or hard copy of the evidence directly related to the allegations, including evidence upon which the Investigator does not intend to rely in reaching a determination regarding responsibility, for a ten Business Day review and

written comment period so that each Party may meaningfully respond to the evidence. The Parties may elect to waive the full ten Business Days. The Parties may not disclose the evidence except as necessary under this Title IX Procedure.

The Investigators will incorporate relevant elements of the Parties' written responses to the final investigative report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigators may elect to respond in writing in the investigative report to the Parties' submitted responses and to share the responses between the Parties for additional responses. The Investigators should document all rationales for any changes made after the review and comment period.

The finalized investigative report that fairly summarizes relevant evidence shall be disclosed to the Parties and their respective Advisors (if so desired by the Parties) at least ten Business Days prior to a Hearing for a review and written comment period so that each Party may meaningfully respond prior to the Hearing determining responsibility. The Title IX Coordinator shall review all investigative draft reports before they are final.

12.5 The Decision Maker's Determination

The Resolution Process is used for all Complaints of Sex Discrimination, Sex-Based Harassment, and/or Retaliation or when Informal Resolution is either not elected or is unsuccessful. The Administrative Resolution Process consists of a hand-off of the investigation report and all relevant evidence to the Decision Maker to make a finding and determine Sanctions, if applicable.

The Title IX Coordinator will provide the Decision Maker with the final investigation report and the investigation file, including evidence and information obtained through the Investigator.

The Decision Maker will review the final investigation report, all appendices, and the investigation file. If the record is incomplete, the Decision Maker may direct a re-opening of the investigation or conduct additional inquiries as necessary, including informal meetings with the Parties or witnesses.

Upon reviewing the relevant evidence, the Decision Maker may pose additional questions. At their discretion, the Decision Maker may meet with any Party or witness to ask additional relevant questions to aid in making findings and/or assess their credibility.

The Decision Maker will apply the Preponderance of the Evidence standard to determine each allegation and, if applicable, any attendant Sanctions. The Decision Maker's determination process typically takes approximately ten Business Days, but this timeframe can vary. The Parties will be notified of any delays.

Prior to a determination, the Title IX Coordinator will provide the Parties an opportunity to submit written impact and/or mitigation statements. The Title IX Coordinator will review these statements upon receipt for any immediate needs, issues, or concerns, but will otherwise hold them until after the Decision Maker has made determinations on the allegations. If there are findings of a policy violation, the Decision Maker will review the impact statements before determining Sanctions, and the statements will be exchanged between the Parties.

If it is later determined that a Party or witness intentionally provided false or misleading information, this could be grounds for re-opening the Resolution Process at any time, and/or referring the information to another process for resolution.

12.6 Notice of Outcome

Within ten Business Days of the conclusion of the Resolution Process, the Title IX Coordinator will provide the Parties with a written outcome notification. This notification will specify the finding for each alleged policy violation, any applicable Sanctions that the District is permitted to share under state or federal law, and a detailed rationale, written by the Decision Maker, supporting the findings as allowed by law.

The notification will also outline the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no Party appeals.

The Title IX Coordinator will deliver the outcome notification to the Parties simultaneously or without significant delay between notifications. The written notification will be emailed to the Parties' District-issued account. Once emailed, the outcome notification is presumptively delivered.

12.7 Withdrawal or Resignation Before Complaint Resolution

If a Student Respondent decides not to participate in the Resolution Process, the process will proceed without their participation. If a Student Respondent withdraws from the District, the Resolution Process may continue, or the Title IX Coordinator may dismiss the Complaint at their discretion. Regardless of dismissal, the District will provide necessary Supportive Measures or Remedies to address safety and ongoing effects of the alleged Sex Discrimination, Sex-Based Harassment, and/or Retaliation.

Whether the Complaint is dismissed or pursued, the District will address and remedy any systemic issues or ongoing effects of the alleged violations.

If a Student withdraws while the process is pending, they may not return to the District until the Complaint is resolved and any Sanctions are satisfied. If the Student indicates they will not return, the Title IX Coordinator may dismiss the Complaint, notifying the appropriate administrators.

If the Student Respondent takes a leave for a specified period (e.g., one semester), the Resolution Process may continue remotely. If found in violation, the Student cannot return until all Sanctions are satisfied.

12.8 Sanctions (Discipline and Corrective Action)

Factors considered by the Decision Maker when determining a Sanction and responsive actions may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s);
- The Respondent's disciplinary history in which they were found responsible;
- Previous allegations or allegations involving similar conduct;

- Consistency among the College's disposition of similar cases;
- The need to bring an end to the Sex Discrimination, Sex-Based Harassment, and/or Retaliation, prevent the future recurrences, and to remedy the effects on the Complainant and the community;
- The impact on the Parties; and
- Any other information deemed relevant by the Decision Maker.

Student Sanctions as Described in BP/AP 5500

For Respondents who are a Student, the possible Sanctions are thoroughly described in BP/AP 5500 Student Code of Conduct, and briefly described below. For Respondents who are an Employee, the Sanctions will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement. Refer to BP/AP 3534 for a description of possible Employee Sanctions.

- **Community Service:** The Student performs a beneficial act or duty for the campus and/or surrounding community.
- **Disciplinary Probation:** Written notice to the Student that they have violated the Student Code of Conduct and must meet certain conditions for a specified period. Any subsequent violations or failure to comply with probation conditions will result in additional sanctions.
- **Housing Probation:** Written notice to the Student in on-campus housing that they have violated the Student Code of Conduct, Resident Handbook, or Community Policies. The Student must meet certain conditions for a specified period. Subsequent violations or failure to comply will result in additional sanctions.
- **District Restriction:** Restriction of the Student's access to parts or areas of the District for a specified period.
- **Exclusion from District Activities:** Prohibiting the Student from participating in any District co-curricular and/or extra-curricular activities for a period of time.
- **Educational Assignment or Project:** An assignment or project that serves the Student's education and learning. The topic, format, and deadline are determined by the College Disciplinary Officer. Violent, dangerous, or egregious behavior will not be remediated by an educational assignment or project only.
- **Mental Health Clearance:** Required before a Student is readmitted to a class or allowed on District Property. A licensed Mental Health Professional must provide a letter stating the Student is no longer a threat. The Student bears the cost.
- **Restitution:** The Student must repay the District or any person for property taken, destroyed, or damaged. A service charge and/or collection fee may be added.
- **Restriction from Attendance at District Events:** Restriction from attending some or all District events for a specified period.
- **Short Term Removal from Class:** Removal from class for up to two class meetings for disruptive behavior. The Instructor must notify the Student of intent to remove them and give an opportunity to modify behavior. The Student cannot return until meeting with the College Disciplinary Officer.
- **Interim Suspension:** Prohibits the Student from attending classes or entering District Property for one to ten Days.
- **Hold on Records:** Withholding of transcripts and/or other Student records due to debts, unreturned equipment, or non-compliance with requests.

- Administrative Withdrawal from Class: Prohibits the Student's continued presence in the class if behavior is disruptive or endangers themselves or others.
- Written Warning: A written reprimand and warning for violating the Student Code of Conduct.
- Suspension: Prohibits the Student from attending classes or entering District Property for 11 Days to two years.
- Expulsion: Prohibits the Student from attending classes or entering District Property indefinitely.

12.9 Long-Term Remedies/Other Actions

Following the conclusion of the Resolution Process, and in addition to any Sanctions implemented or Informal Resolution terms, the Title IX Coordinator may implement additional long-term Remedies or actions with respect to the Parties and/or the District community that are intended to stop Sed Discrimination, Sex-Based Harassment, and/or Retaliation, remedy the effects, and prevent recurrence.

These Remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term Supportive Measures may also be provided to the Parties even if no violation of this Title IX Procedure is found.

When no violation of this Title IX Procedure is found, the Title IX Coordinator will address any Remedies the District owes the Respondent to ensure no effective denial of educational access.

The District will maintain the confidentiality of any long-term Remedies/actions/measures, provided confidentiality does not impair the District's ability to provide these services.

SECTION XIII - APPEAL

A Complainant or Respondent may submit a written request for appeal, following the dismissal of a Complaint or the determination of responsibility, to the Title IX Coordinator within ten Business Days of the delivery of the notification. Appeals must be based on one or more grounds as set forth in Section 13.1. Opposing the dismissal of a Complaint or the determination of responsibility is not, by itself, grounds for appeal.

13.1 Grounds for Appeal

All appeals must be in writing and must contain detailed information supporting the grounds for appeal. The appeal must specify the grounds on which the appeal is based.

Appeals must be based on one or more of the following grounds:

- Procedural irregularity that would change the outcome;
- New evidence that was not reasonably available at the time that the Complaint was dismissed or at the time of the determination regarding responsibility, and would change the outcome; and
- A member of the Resolution Process pool had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent, that would change the outcome.

13.2 Appeal Procedures

The Title IX Coordinator shall appoint an Appeal Decision Maker chosen from the Resolution Process pool, or other trained internal or external individuals, to hear the appeal. Any Appeal Decision Maker with previous involvement in the Resolution Process, past association with the Parties, with a conflict of interest in the matter, or who is a percipient witness to the events giving rise to the matter is ineligible to serve on that particular appeal. Any Appeal Decision Maker who is selected must disclose any potential or actual conflicts of interest.

The request for appeal will be forwarded to the Appeal Decision Maker for consideration to determine if the request meets the grounds for appeal (a review of standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the request for appeal does not provide information that meets the grounds for appeal, the request will be denied by the Appeal Decision Maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the grounds in the request for appeal meets the criteria set forth in this Title IX Procedure, then the Appeal Decision Maker will notify the Title IX Coordinator. The Title IX Coordinator will notify the Parties and their Advisors in writing and as applicable, provide a copy of the appealing Party's request for appeal. The non-appealing Party will be given five Business Days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded to all Parties for review and comment.

The non-appealing Party may also choose to raise a new ground for appeal during this timeframe. The Appeal Decision Maker will review any such appeal to determine if it was timely filed and meets the grounds for appeal, and then either dismiss or approve the appeal. If approved, the Appeal Decision Maker shall notify the Title IX Coordinator who will forward the appeal with the approved grounds to the Party who initially submitted an appeal. This Party will be given five Business Days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded to all Parties for review and comment.

Neither Party may submit any appeals after this time. The Title IX Coordinator will collect all documentation regarding the approved grounds, subsequent responses, and any additional information needed and provide it to the Appeal Decision Maker.

13.3 Appeal Decision Maker Review

The Appeal Decision Maker will review all appeals and corresponding responses. The Appeal Decision Maker may, at its discretion, interview the Parties to clarify the appeal and corresponding responses. If the Appeal Decision Maker interviews one Party, they shall extend the same opportunity to the other Party to ensure that the Parties are given equal opportunity to participate. The Appeal Decision Maker may, at its discretion, interview any Title IX personnel for the sole purpose of clarifying the Party's appeal and corresponding responses.

Appeal decisions are to be deferential to the original determination. An appeal is not an opportunity for the Appeal Decision Maker to substitute their judgment for that of the original Decision Maker merely because they disagree with the finding and/or Sanction. All decisions are made using the Preponderance of the Evidence standard.

The Appeal Decision Maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

13.4 Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator and/or Decision Maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator and/or Decision Maker or the Title IX Coordinator (as in cases of bias), the Appeal Decision Maker may order a new investigation and/or a new determination with new Resolution Process pool members serving in the Investigator and Decision Maker roles.

The Appeal Decision Maker shall notify the Parties concurrently of the outcome of the appeal within five Business Days of the conclusion of their review. The Notice of Appeal Outcome shall contain a summary of approved ground(s) raised on appeal and the rationale for each decision, the finding on each ground for appeal (which may include specific instructions for remand or reconsideration and/or sanctions that may result) and any rationale supporting essential findings. The decision rendered by the Appeal Decision Maker is final and concludes the appeal process.

Refer to BP 3534 for Appeals to the Administrative Determination for Employee Respondents.

13.5 Sanction Status During the Appeal

Sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process. Supportive Measures may be maintained or reinstated until the appeal determination is made.

If any Sanctions are implemented immediately post-determination but pre-appeal, an emergency removal "show cause" meeting on the justification must be permitted within two business days of implementation.

SECTION XIV - RETALIATION

The District strictly prohibits retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX, or for participating or refusing to participate in any Title IX process. Retaliatory acts, may include: (1) intimidation, (2) threats, (3) coercion, (4) discrimination, or (5) charging an individual with code of conduct violations that do not involve Sex Discrimination or Sex-Based Harassment, but arise out of the same facts or circumstances as a report or formal complaint of Sex-Based Harassment are specifically prohibited by the District.

The appropriate exercise of rights under the First Amendment does not constitute retaliation for purposes of this Title IX Procedure.

Materially False Statements: The District may charge an individual with a code of conduct violation for making a materially false statement in bad faith, knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading in the course of the Resolution Process. A determination regarding responsibility alone is not sufficient to conclude that any individual made a materially false statement.

A complaint of retaliation may be filed according to the District's Unlawful Harassment and Discrimination Prevention and Complaints policy and procedure (Refer to BP/AP 3435).

14.1 Confidentiality

The District makes every effort to preserve the Parties' privacy. The District will not share the identity of any individual who has made a Complaint of Sex Discrimination, Sex-Based Harassment, and/or Retaliation; any Complainant; any individual who has been reported to be the perpetrator of such behavior; any Respondent; or any witness, except as permitted by, or to fulfill the purposes of applicable laws, including FERPA, or as necessary to carry out an investigation or Resolution Process under this Title IX Procedure.

Unauthorized Disclosure of Information

Parties and Advisors are prohibited from unauthorized disclosure of information obtained by the District through the Resolution Process to the extent that information is the work product of the District (meaning it has been produced, compiled, or written by the District for purposes of its investigation and resolution of a Complaint). It is also a violation of this Title IX Procedure to publicly disclose work product or a Party's personally identifiable information without authorization or consent. Violation of this Title IX procedure is subject to significant sanctions.

SECTION XV - STATEMENT OF THE RIGHTS OF THE PARTIES

This list is intended to help the Parties understand their rights and options. Throughout the process, the Parties shall have the following:

- The right to an educational and working environment free from Sex discrimination, Sex-Based Harassment, and Retaliation.
- The right to be treated with respect by District/College officials.
- The right to be informed of and have access to support services, including Supportive Measures to redress the harm to the Parties and the community and to prevent further violations.

- The right to be informed by District/College officials of options to report Sex-Based Harassment.
- The right to have reports responded to promptly and with sensitivity by District/College officials.
- The right to timely written notice of all alleged violations, including the identity of the Parties involved (if known), the specific misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible Sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants) by updating the Notice of Investigation and Allegations as needed to clarify potentially impacted policy violations.
- The right to have the District/College policies and procedures followed without material deviation.
- The right to voluntarily agree to resolve allegations under this policy through Informal Resolution with District pressure, if Informal Resolution is approved by the Title IX Coordinator.
- The right to not be discouraged by District Officials from reporting Sex Discrimination, Sex-Based Harassment, or Retaliation to both on-campus and off-campus authorities.
- The right to be informed of options to notify proper law enforcement authorities and the options to be assisted by the District in notifying such authorities, if the Party chooses. This also includes the right not to be pressured to report.
- The right to be informed of available Supportive Measures.
- The right to be accompanied by an Advisor of the Parties' choosing to all meetings or proceedings regarding the allegations.
- The right to a thorough, reliable, impartial, prompt, and fair investigation, hearing, and appeal process.
- The right to present relevant information, witnesses, and evidence regarding the alleged violations during the investigation and hearing process.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to inspect and review the evidence upon which the investigative findings will be based subject to privacy limitations imposed by federal and state law and be given ten Business Days to review and comment on the evidence.
- The right to participate in the Resolution Process.
- The right to submit an impact statement and/or mitigation statement considered by the Decision Maker following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed of the Resolution Process findings and sanctions (if any) and be given a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written outcome letter delivered to the Parties simultaneously (without undue delay).
- The right to be informed in writing of when the District's decision is considered final and any changes to the final determination and Sanctions that occur post outcome letter delivery.
- The right to be informed of the opportunity to appeal the Resolution Process findings and Sanctions, and the procedures for doing so is in accordance with the District's grounds for appeal.

- The right to have reports of alleged policy violations addressed by the Title IX Resolution Process pool members who have received relevant annual training as required by law.
- The right to petition that any District/College representative in the process be recused on the basis of demonstrated bias and/or conflict of interest.
- The right to have the District maintain supportive measures for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair the District's ability to provide the supportive measures.
- The right to receive sufficiently advanced written notice of any District meetings or interviews involving another party, when possible.
- The right to identify and have the Investigator and/or Decision Maker question relevant available witnesses, including expert witnesses.
- The right to provide the Investigator/Decision Maker with a list of questions that, if deemed relevant and permissible by the Investigator/Decision Maker, may be asked of any party or witness.
- The right to have Complainant's inadmissible sexual interests/prior sexual history or any Party's irrelevant character evidence excluded by the Decision Maker.
- The right to have a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of the Final Investigation Report, including all factual, Policy, and/or credibility analyses performed, and to have at least seven business days to review the report prior to the determination.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to preservation of confidentiality/privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to apply the preponderance of the evidence to make a Finding and Final Determination after an objective evaluation of all relevant and permissible evidence.
- The right to a fundamentally fair resolution as defined in these procedures.

SECTION XVI - RECORDS

In implementing this Title IX Procedure, records of all allegations, investigations, and resolutions will be maintained by the Title IX Coordinator, or designee, in the District/College electronic database. The privacy of records shall be held in accordance with the Family Educational Rights and Privacy Act. Parties have the right to inspect and review their educational record maintained by the District/College. The District is not required to provide copies of records unless it is impossible for the Parties to review the records (*e.g.*, great distance). The District may impose a reasonable fee for copies.

SECTION XVII - PREVENTION, EDUCATION, AND TRAINING

The District and each College must implement prevention, education, and training programs for Students and Employees in the areas of Sex Discrimination, Sex-Based Harassment, and Retaliation.

Prevention and education programs shall be comprehensive, multi-pronged, and interconnected in a strategic way to increase awareness and influence a change in behavior. Prevention and education programs (*e.g.*, educational workshops, empowerment programming, awareness raising campaigns, social marketing campaigns) are intended for (1) new Students and Employees (*e.g.*, during orientation programs), (2) returning Students and Employees, (3) Student athletes and coaches, (4) members of student organizations including the student organization's advisors, (5) Students and Employees who live or work in on-campus housing, and (6) College Public Safety Officers.

Prevention and education programs for Students may include the following information:

- Rights and responsibilities under Title IX;
- Definitions of Affirmative Consent and the behaviors that constitute Sex-Based Harassment;
- Common myths and facts about Sexual Assault and misconduct;
- How to recognize warning signs associated with Dating Violence, Domestic Violence and Stalking;
- Information on risk reduction, including considerations when alcohol, drugs, or medications are involved;
- What someone should do if they have experienced or witnessed any unwanted behavior described in this policy;
- Bystander intervention;
- Safe and effective strategies for bystanders to prevent harm or intervene when there is a potential risk;
- Available on-campus support services, including Supportive Measures, and off-campus community resources;
- Reporting options and confidential reporting;
- The District's obligation to take reasonable steps to eliminate the behavior, prevent future recurrence, remedy the effects, and the District procedure for processing reports; and
- Information regarding the potential consequences for violating this policy.

Employees shall receive training on how to appropriately respond to reports. The training should explain what information to include in a report and consequences for failing to report. Additional training components may include practical information on how to prevent and identify behavior, attitudes of bystanders, effects on the complainant (*e.g.*, impact of trauma on victims), and appropriate methods for responding (*e.g.*, nonjudgmental language).

Title IX Team, including but not limited to the Title IX Coordinator, Investigators, Hearing Chair, Appeal Committees, and District-appointed Advisors, must receive annual training in addressing and analyzing reports, the procedure for processing reports, how to conduct an investigation, confidentiality issues, and how to conduct the Resolution Process that protects the safety of the Parties and promotes accountability.

SECTION XVIII - TITLE IX COORDINATOR

Each College is required to designate one Title IX Coordinator with primary responsibility to monitor, supervise, and oversee overall College-wide implementation of and compliance with Title IX and this Title IX Procedure, including coordination of training, education, communications, complaint procedure administration, investigations, and other compliance procedures. The Title IX Coordinator shall have authority across all College-based divisions and programs. The designated Title IX Coordinator should be someone without other institutional responsibilities that could create a conflict of interest and should report directly to a vice president or higher. To raise any concern involving conflict of interest by the Title IX Coordinator, contact the College's Vice President of Student Services. The Title IX Coordinator must have the qualifications, authority, and time to address all complaints throughout the College involving Title IX issues.

The Title IX Coordinators, Investigators, Hearing Chairs, Appeal Committees, and District-appointed Advisors, and any other designee must have adequate training annually.

The Title IX Coordinator's duties include:

- Coordinate training, education, and preventive programs in the areas of Sex discrimination, Sex-Based Harassment, and Retaliation.
- Provide annual training for Title IX Team, including the Investigators, District-appointed Advisors, Hearing Chair, and Appeal Committees.
- Monitor, supervise, and oversee all complaints of Sex discrimination, Sex-Based Harassment, and Retaliation, including related investigations, reports, Supportive Measures, resolution, and appeals.
- Oversight and Coordination of prompt and equitable grievance procedures to stop the behavior, prevent future recurrence and remedy the effects.
- Review all investigation reports before they are final to ensure that they are prompt, adequate, reliable, and impartial and in compliance with this Title IX Procedure.
- Provide reasonable Supportive Measures, if requested, feasible, and available.
- Notify Students, Employees, applicants for admission and employment, and of the following:
 - Notice of the District's nondiscrimination policies that the District does not discriminate on the basis of Sex in its education program or activity.
 - Notice of the Title IX Coordinator's contact information prominently displayed on the website.
- Recommend appropriate revisions of policies and procedures.
- Recommend appropriate memoranda of understanding or other agreements with community-based organizations to make services and assistance available to students.
- Assist the College in developing a method to survey the school climate, coordinate the collection and analysis of information from that survey, and identify and address any systemic or other patterns and implement corrective measures, as appropriate.
- Maintain a website, publications, and other resources related to Title IX.
- Oversee Gender equity in athletics in consultation with Athletic Director, or appropriate administrator, to measure participation compared to enrollment data in three distinct areas: (1) participation; (2) scholarships; and (3) other benefits, including the provision of equipment and supplies, scheduling, travel, tutoring, coaching, locker rooms, facilities, medical and training facilities, and services, publicity, recruiting, and support services.

- Serve as the point of contact for government inquiries regarding Gender-based (or Sex-based) discrimination and harassment, Sex-Based Harassment, Retaliation, Sexual Assault, Dating Violence, Domestic Violence, and Stalking.

Annual Report

Each Title IX Coordinator will report the following annually to the College President or Chancellor, without disclosing any information that would reveal the identities of the Parties involved:

1. The number of reports received during the academic year;
2. The number of reports investigated, including whether the Respondent was found responsible and the final Sanction(s), if applicable;
3. A description of the action taken for reports resolved without an investigation;
4. A list of the College's Title IX personnel (i.e., Investigators, Hearing Chairs, District appointed Advisors, and Appeal Committees), including a description of their annual training; and
5. A report of the various training, education, and preventive programs provided to students, staff, administrators, and faculty during the academic year.

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