

3357:13-15-031 Discrimination Grievance Procedures

(A) The purpose of these procedures is to provide a prompt and equitable resolution for complaints or reports of alleged violations of the College's Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy (Policy 3357:13-15-03). Any person believing that they have been subjected to discrimination, harassment, sexual misconduct, or retaliation in violation of Policy 3357:13-15-03 ("Policy Violation") may file a complaint or report with the College's Title IX Coordinator (EO). These procedures apply only to discrimination, harassment, sexual misconduct, or retaliation occurring against a person in the United States.

(B) College Complaints and Reporting

(1) Complaints and third-party reports of Policy Violations must be made to the Title IX Coordinator (EO). Any person may report a Policy Violation, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator. The contact information for the EO is listed below.

Title IX Coordinator (EO)
North Central State College
Fallerius Technical Building
Room 158
2441 Kenwood Circle
Mansfield, OH 44906
419-755-4823
Email: kgray@ncstatecollege.edu

(2) Complaints and reports should be made as soon as possible after an incident that a person believes constitutes a Policy Violation. The EO coordinates and tracks all complaints and reports under this procedure.

(3) If there is a complaint about the EO or any staff member that is part of the EO Office, or if the EO or EO staff has a complaint, that complaint should be filed with the President of the College. The President will appoint another trained individual to take the place of the EO for purposes of the complaint.

(4) If a reporter or complainant requests that no action be taken to address the complaint, the EO will consider the reasons for the request, including concerns about continued safety of the person reportedly harmed and members of the campus community. The EO must also balance considerations about the continued health and safety of members of the community against a reporter's or complainant's desire not to have the report investigated. In cases when a reporter or complainant does not want to have a report investigated, but the EO has concerns that not taking formal or informal action might endanger the health or safety of members of the campus community, the EO will initiate confidential consultation with appropriate individuals to analyze the situation and assist in determining appropriate measures to take. Consultation may occur with the Vice President of Academic Services, chair(s) of the Behavioral Intervention Team (BIT), Public Safety Officer, Clery

Compliance Officer, psychological health professional, Director of Human Resources, and legal counsel. The EO will make the ultimate decision about whether to conduct a formal resolution or respond to the report in another manner, including taking informal resolution actions, such as those described below.

(C) Criminal Reporting

- (1) Please remember that if someone is in immediate danger or needs immediate medical attention, the first place to report is 911. You may also report to the College's Campus Security (dial 419-755-4346), or to the Mansfield Police Department. Some forms of discrimination and harassment may also be crimes. For example, sexual assault, stalking and rape are crimes. Criminal reports should be made to law enforcement, even if it is uncertain whether the particular conduct is a crime. Calling local law enforcement can help you: Obtain emergency and nonemergency medical care; get immediate law enforcement response for your protection; understand how to provide assistance in a situation that may escalate to more severe criminal behavior; arrange a meeting with victim advocate services; find counseling and support; initiate a criminal investigation; and answer questions about the criminal process.
- (2) In order to preserve any physical evidence of a sexual offense, victims of sexual assault are urged not to bathe, shower, use any feminine douche or change clothing. Such victims should go immediately to a medical facility of their choice to receive medical treatment if needed and to ensure that the appropriate examinations are conducted to collect the necessary physical evidence of the assault.
- (3) The cost of medical treatment or examination of the victim of a sexual assault for physical evidence shall be charged to the political sub-division where the offense occurred (Ohio Revised Code Statutes 2907.28 and 2907.29). There is no cost to the crime victim for such medical treatment or examination in Ohio.

(D) Confidentiality of Complaints and Reports

Parties in these processes, including the complainant, the respondent, and witnesses, have privacy rights and reasonable expectations of confidentiality in the investigation of matters subject to this procedure. In addition, the integrity of the process depends on ensuring reasonable expectations of confidentiality. The EO will keep confidential the complaint, report, witness statements, and any other information provided by the complainant, respondent, or witnesses and will disclose this information only to the complainant, respondent, or witnesses, as necessary to give fair notice of the allegations and to conduct the investigation; to law enforcement consistent with state and federal law; to other College officials as necessary for coordinating supportive measures or for health, welfare, and safety reasons, and to government agencies who review the College's compliance with federal law. The investigation report and any written decision from the Discrimination Grievance Committee will be disclosed only to the complainant, respondent, EO, Discipline Authority¹ as necessary, and College officials as necessary to prepare for subsequent proceedings (e.g., College President and College Legal Counsel). Members of the Discrimination Grievance Committee have the same strict

¹ In the case of employees, the Discipline Authority is the College administrator with the authority to impose sanctions in accordance with applicable employment policies and procedures and collective bargaining agreements. In the case of students, the Discipline Authority is the Vice President of Academic Services.

obligations to keep all information they learn confidential, subject to the limited exception when necessary to protect health, welfare or safety. Information about complaints and reports, absent personally identifiable information, may be reported to College officials and external entities for statistical and analysis purposes pursuant to federal and state law and College policy. In addition, the College will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

(E) Anonymous and Third-Party Reporting

The EO accepts anonymous and third-party reports of alleged Policy Violations. The individual making the report (Reporter) is encouraged to provide as much detailed information as possible to allow the EO to investigate and respond as appropriate pursuant to these procedures. The EO may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the EO to conduct a meaningful and fair investigation.

(F) Role of the EO

Upon receiving a complaint, the EO will promptly contact a student complainant to discuss the availability of supportive measures as described below, consider the student complainant's wishes with respect to supportive measures, inform the student complainant of the availability of supportive measures with or without the filing of a complaint, and explain to the complainant (both student and employee complainants) the process for filing a formal complaint.

The EO is not an advocate for either the complainant or the respondent. The EO will explain to both parties the informal and formal processes outlined below and the confidentiality provisions as outlined above. Where appropriate, the EO will provide to both parties information about options for obtaining medical and counseling services; information about making a criminal report, information about receiving advocacy services, and information about other helpful campus and community resources.

The EO will describe the investigation process. The EO will explain the right of the respondent to review and respond to allegations and evidence against him or her. The EO will explain to both parties their rights to have a person of support with them during their interviews and during the hearing stage of these procedures. If an individual does not want to pursue a complaint, the EO will inform the individual that the College is limited in the actions it can take without the cooperation of the individual. The EO will also explain to parties and witnesses that retaliation for reporting alleged Policy Violations, or participating in an investigation of an alleged Policy Violation, is strictly prohibited and that any retaliation should be immediately reported.

(G) Immediate Action and Supportive Measures

The College may take supportive measures to assist or protect the parties during the Discrimination Grievance process. For a student, supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a complaint or where no complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of

all parties or the College's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. In addition, the College may temporarily reassign or place on administrative leave an employee respondent.

(H) Emergency Removal

The College may remove a respondent from the College's education program or activity on an emergency basis, provided that the College undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of a Policy Violation justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

(I) Notice

Upon receipt of a complaint, the College will provide the following written notice to the parties who are known: (1) Notice of the College's formal and informal resolution processes, and (2) Notice of the allegations of a Policy Violation, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting a Policy Violation, and the date and location of the alleged incident, if known. The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the formal resolution process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice will inform the parties of any provision in the College's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the resolution process. The written notice will also include a statement explaining the circumstances under which pursuing the informal resolution process precludes the parties from resuming a formal complaint arising from the same allegations. Also, the notice will explain to the parties any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. If, in the course of an investigation, the College decides to investigate allegations about the complainant or respondent that are not included in the notice initially provided pursuant to this section, the College will provide notice of the additional allegations to the parties whose identities are known.

(J) Resolution

If a complainant chooses to file a complaint, there are two avenues for resolution of an alleged Policy Violation: formal and informal resolution. Throughout the resolution process, the College (1) requires an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provides that credibility determinations may not be based on a person's status as a complainant, respondent, or witness; (2) applies a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Discrimination process; and (3) does

not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

(1) Informal Resolution

- (a) If the complainant, the respondent, and the EO all voluntarily and in writing agree that an informal resolution should be pursued, the EO (or her/his designee) shall attempt to facilitate a resolution of the conflict that is agreeable to all parties. However, the informal resolution process cannot be used to resolve allegations that an employee sexually harassed a student. Under the informal resolution process the EO shall be required only to conduct such fact-finding as is useful to resolve the conflict and as is necessary to protect the interests of the parties, the College and the community. Typically, an informal investigation will be completed within twenty (20) days of receipt of the complaint. If it becomes necessary to extend the process, both parties will be notified of a revised expected resolution timeframe.
- (b) A complainant or respondent always has the option to request a formal investigation. The EO also always has the discretion to initiate a formal investigation. If at any point during the informal resolution process, the complainant, the respondent, or the EO wishes to cease the informal resolution process and to proceed through the formal resolution, the formal resolution process outlined below will be invoked.
- (c) The informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the College to stop, remedy and prevent the alleged Policy Violations. (Informal actions might include, but are not limited to: providing training to a work unit; having an informal discussion with an individual whose conduct, if not stopped, could rise to the level of discrimination, or hostile environment harassment; or having a confidential conversation with a supervisor or instructor).
- (d) The College may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of complaints. Similarly, the College may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a complaint is filed.

(2) Formal Resolution

- (a) Step 1: EO provides the written notice described in section (I) above to the complainant and respondent. EO also considers whether emergency removal or supportive measures or involvement of other College offices is appropriate. EO determines whether the College has jurisdiction to investigate the matter. The College and EO only have jurisdiction to investigate complaints alleging a Policy Violation. In addition, if the conduct alleged in the complaint would not constitute sexual harassment even if proved, did not occur in the College's education program or activity, or did not occur against a person in the United States, then the College must dismiss the complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of the College's policies and/or codes of conduct. And, the EO may dismiss the complaint or any allegations therein, if at any time during the investigation or hearing: a

complainant notifies the EO in writing that the complainant would like to withdraw the complaint or any allegations therein; the respondent is no longer enrolled or employed by the College; or specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the complaint or allegations therein.

- (i) Option 1: If the EO determines that there is no jurisdiction, the EO will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties and offer to assist the complainant and the respondent, as appropriate, in finding appropriate campus and off-campus resources for addressing the issue of concern. Either party may appeal the EO's determination that there is no jurisdiction. In order to appeal, the party must follow the appeal process set forth below.
 - (ii) Option 2: If the EO determines that there is jurisdiction, the EO will proceed to Step 2. Before proceeding to Step 2, the EO may consolidate complaints as to allegations of a Policy Violation against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of a Policy Violation arise out of the same facts or circumstances. Where the formal resolution process involves more than one complainant or more than one respondent, references in this section to the singular "party," "complainant," or "respondent" include the plural, as applicable.
- (b) Step 2: EO conducts or oversees the conducting of a fair and impartial investigation of the alleged Policy Violation and then proceeds to Step 3. Typically an investigation will be completed within twenty (20) days of receipt of the complaint. If it becomes necessary to extend the process, both parties will be notified of a revised expected resolution timeframe.

Only a trained investigator will conduct an investigation. When investigating a complaint and throughout the formal resolution process, the EO must— (i) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College and not on the parties provided that the College cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains that party's voluntary, written consent to do so for the formal resolution process under this section (if a party is not an "eligible student," as defined in 34 C.F.R. §99.3, then the College must obtain the voluntary, written consent of a "parent," as defined in 34 C.F.R. §99.3); (ii) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; (iii) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence; (iv) Provide the parties with the same opportunities to have others present during any formal resolution proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or formal resolution proceeding; however, the College may establish restrictions regarding the extent to which the advisor may

participate in the proceedings, as long as the restrictions apply equally to both parties; (v) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate; and (vi) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the investigator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The College will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

- (c) Step 3: EO/investigator creates an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

EO schedules the complaint for a hearing before the Discrimination Grievance Committee. The EO will notify, in writing, the complainant and the respondent of the time and place of the hearing before the Discrimination Grievance Committee. The hearing will normally be scheduled within thirty (30) days of issuance of the investigative report. This timeline might be extended during periods between academic semesters when a quorum of the Committee cannot be convened. If such an extension causes a significant delay, the EO will consider supportive measures, as described above, to continue to protect the parties during the delay.

(K) Hearing before the Discrimination Grievance Committee

- (1) Composition of the Committee - The committee shall have five (5) regular members including the Chair. Of the five regular members, one shall be a student, one shall be a member of the faculty, one shall be a member of the non-academic staff, one shall be a member of the manager's advisory council and one shall be representatives of the administration.
- (2) Selection of Members - Each of the groups listed will appoint one (1) member and designate one (1) alternate member: Faculty Caucus; Staff Caucus; Manager's Advisory Council; President's Staff; and Student Government.
- (3) Appointment of Chair – A majority of the Committee members shall select the Chair.
- (4) Term of Appointment
 - (a) To assure cumulative experience and development of expertise as well as continuity and uniformity of decisions, the terms of regular members will be of extended duration. The

student shall be appointed for two (2) years. Members of each of the other groups (faculty, non-academic staff, and administrators) shall be appointed for five (5) years. Any member whose term has expired and who is willing to continue to serve on the committee may be reappointed.

- (b) The President shall appoint one or more persons to serve temporarily as a member of the committee to fill a vacancy or ensure a quorum, or in response to a request from the Chair to avoid delay in proceedings. The term of temporary appointment continues for the duration of the proceedings or until the temporary appointee is replaced by a regular member.
- (5) **Removal of Members** - The Committee Chair may either permanently or temporarily remove or replace any regular member of the committee under the following circumstances: In response to a request from those responsible for the nomination of the member; In response to a request from a majority of the committee members; In response to a request from the EO; In response to a request from a committee member that he/she be excused; or In response to a request from a party who raises a legitimate concern regarding a conflict of interest. If any person or group other than the member requests removal, that member will have an opportunity to rebut any evidence presented in support of the request for removal. If a concern as enumerated above is raised about the Chair, the President of the College will make the determination about either permanent or temporary removal from the committee.
- (6) **Quorum** - There must be a member from each of the four constituent groups specified above to constitute a quorum.
- (7) **Authority of the Committee** - The committee may: (1) call student and employee witnesses to testify or to be present during a hearing, and obtain other evidence held by the College or any student or College employee; (2) arrange with the College EO for appropriate funding and staff support to facilitate hearings; (3) hold pre-hearing conferences; (4) issue hearing orders; (5) hold formal hearings and control conduct of such hearings; and (6) make decisions, findings of fact, and recommendations, including recommended sanctions by vote of a majority of the members involved in the hearing process.
- (8) **Preparation for and Conduct of the Hearing**
- (a) **Written Statements** - Within ten (10) working days of mailing of the hearing notice by the EO, the parties must submit to the EO the following information (NOTE: Failure to timely submit the information will result in a waiver of the party's right to submit the information):
- detailed statement of facts relevant to the complaint or report of a Policy Violation;
 - names and addresses and anticipated testimony from witnesses to be called;
 - copies of any documents which will be submitted as evidence;
 - additional materials the party believes the committee should obtain prior to the hearing;
 - reference to the portion of the Policy 3357:13-15-03 alleged to be violated;
 - specific remedy(ies) requested;
 - whether the party will be represented by legal counsel and the identity of the counsel; and

- if the party is not represented by counsel, whether the party requests the College provide an advisor of the College's choice.

(b) Forwarding Documents - The EO will forward copies of the EO's written investigation report; the written statements described above; and any additional evidence relevant to the matter to the members of the Discrimination Grievance Committee at least five (5) days prior to the hearing.

(c) Pre-hearing Conference

- At any time within five (5) days prior to the date of the hearing the Chair of the Discrimination Grievance Committee may call a pre-hearing conference. Topics discussed at a pre-hearing conference may include, but are not limited to: (a) whether the evidence presented is complete; (b) whether additional investigation is required; (c) whether additional witnesses should be called; and (d) time limits and order of presentation of evidence at the hearing.
- With concurrence of a majority of the Discrimination Grievance Committee, the Chair may decide to: set aside the hearing date for any period up to ten (10) days for additional investigation, to obtain additional witnesses or evidence.

(d) The Hearing

- The Chair of the Discrimination Grievance Committee will conduct the hearing. Strict rules of evidence will not be applied. However, the Chair of the Committee may limit or refuse to allow evidence or testimony that is not reasonably related to a determination of whether a Policy Violation occurred. The Chair will be the final arbiter of all matters of procedure. All hearings are closed to the public.
- At the live hearing, the Chair will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the Chair to otherwise restrict the extent to which advisors may participate in the proceedings. At the request of either party, the Chair will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Committee and parties to simultaneously see and hear the party or the witness answering questions. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the Chair will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the College will provide without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Questions and evidence

about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or 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. If a party or witness does not submit to cross-examination at the live hearing, the Committee will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Committee cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. Live hearings pursuant to this paragraph may be conducted with all parties physically present in the same geographic location or, at the Chair's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. The College will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

- (e) The Decision - Within ten (10) working days of the conclusion of the live hearing the Discrimination Grievance Committee will simultaneously submit a decision in writing to the parties, the EO and to the College's President. The written decision will contain the following: (A) Identification of the allegations potentially constituting a Policy Violation; (B) A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (C) Findings of fact supporting the determination; (D) Conclusions regarding the application of the College's code of conduct and policies to the facts; (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Committee recommends imposing on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity should be provided by the College to the complainant; and (F) The College's procedures and permissible bases for the complainant and respondent to appeal. In making its determination, the Committee applies a preponderance of the evidence standard, i.e. whether there is a preponderance of the evidence to believe that a respondent engaged in a Policy Violation. This means that individuals are presumed not to have engaged in alleged conduct unless a "preponderance of the evidence" supports a finding that the conduct has occurred. This "preponderance of the evidence" standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it.

(f) Action on Decision

Option 1: If a majority of the Committee finds a preponderance of the evidence of a Policy Violation does not exist, the matter is documented and closed. Either party may appeal the finding of the Committee.

Option 2: If a majority of the Committee finds that a preponderance of the evidence of a Policy Violation exists, the written finding will be provided to the Discipline Authority for a determination of appropriate sanctions. In the case of student respondents, the

Discipline Authority will be the Dean, Student Services and Enrollment Management. In the case of employee respondents, the Discipline Authority is the College administrator with the authority to impose sanctions in accordance with applicable employment policies and procedures. Within fourteen (14) working days of receipt of the Committee's findings, the Discipline Authority must inform the EO of the ultimate sanctions imposed upon a respondent. The EO will inform, in writing, the respondent and complainant of the sanctions. Either party may appeal the Committee's findings and/or the Discipline Authority's sanctions.

(L) Filing an Appeal

- (1) A request for an appeal before the College's President must be filed within five (5) working days of the receipt of the EO's written communication informing the party of the Committee's findings and the Discipline Authority's sanctions. A request for an appeal before the College's President in the case of an appeal of the EO's decision that the College has no jurisdiction must be filed within five (5) working days of receipt of the EO's written decision of no jurisdiction. The request for an appeal must be filed with the EO. The request for an appeal must be in writing and must describe the appellant's desired outcome; as well as describe the basis for the appeal which is limited to the following: (a) Procedural irregularity that affected the outcome of the matter; (b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; (c) the severity of the sanction imposed is disproportional to the Policy Violation; or (d) The Title IX Coordinator, investigator(s), or Discrimination Grievance Committee had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- (2) The College will: (A) Notify the other party in writing when an appeal is filed; and (B) allow both parties seven (7) working days to submit any additional written statement to the President in support of, or challenging, the appeal.
- (3) As soon as practicable, the EO will provide the President with a copy of the written appeal and the parties' additional written statements.
- (4) Standard of Review - The President reviews the findings of the Committee and Discipline Authority. The President may approve, overturn, or modify the findings and/or sanction. The President may overturn or modify the findings and/or sanction if the President finds that: (1) the Committee had a conflict of interest; (2) the evidence does not provide a reasonable basis for the resulting decision and/or sanction; or (3) specified procedural errors were so substantial as to deny a fair hearing to either party.
- (5) Within fourteen (14) working days of receipt of the written appeal and the parties' additional written statements, the President will notify the Committee Chair, the EO, and the parties, in writing, of the decision relative to each of the findings and the rationale for the President's decision.

(M) Conflict of Interest

- (1) The names of the investigator and the individuals who will serve on the Discrimination Grievance Committee for a particular matter will be readily accessible. These individuals must promptly disclose any potential conflict of interest they might have in a particular case. In the rare situation in which an actual or perceived conflict of interest arises between an investigator, or member of the Discrimination Grievance Committee, that conflict must be disclosed to both parties.

(N) Extensions of Time

The EO may grant a temporary delay of the formal or informal resolution process described above or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Effective: August 10, 2020

Next Review: August 1, 2025

Review Dates: 12/15/14, 7/1/15, 8/10/20