



Presentation/Proposal Form

[Add Title Here]

Name: _____

Date: _____

Department: _____

Contact Information: _____

- ❖ Complete Items 1–8 to the best of your ability (see Instructions form for reference).
- ❖ If an item listed is not relevant to your specific presentation to College Affairs, please mark it *N/A*.
- ❖ E-mail the completed checklist to the College Affairs committee support specialist by the specified deadline.

1. PRESENTATION/PROPOSAL ABSTRACT (150–250 words)

2. TYPE OF PRESENTATION/PROPOSAL

- Information Item (requires approval of CA Chair)
- Action Item
 - Information and committee feedback
 - Procedure—*revision* (Attach current procedure with proposed changes highlighted using track changes.)
 - Procedure—*new* (Attach proposed procedure separately.)
 - Identify suggested location in *General Procedures Manual*: _____

- Policy—*revision* (Attach current policy with proposed changes illustrated with track changes)
- Policy—*new* (Attach proposed policy separately.)
 - Identify suggested location in *General Policy Manual*: _____
- Other: _____

3. BUDGET IMPACT

4. INSTRUCTIONAL REQUIREMENTS/IMPACTS

5. OPERATIONAL IMPACT

6. STUDENT IMPACT

7. ANTICIPATED IMPLEMENTATION TIMELINE

8. MOTION TO BE RECOMMENDED

TITLE IX and SEXUAL HARASSMENT: POLICIES AND PROCEDURES REDESIGN

CURRENT	PROPOSED
<p>Policies (eliminate all as listed)</p> <p><u>General Policies</u> G-28-0: Nondiscrimination, Sexual Misconduct/Sexual Violence, Sexual Harassment, Non-retaliation And Confidentiality Policies Introduction G-28-1: Non-discrimination G-28-2: Sexual misconduct/violence G-28-3: Sexual harassment G-28-4: Nonretaliation G-28-5: Confidentiality</p> <p><u>HR Policies:</u> G-32-2: Equal Employment Opportunity/Affirmative Action/Non-Discrimination Polices G-32-2.1: Equal Employment Opportunity G-32-2-.2: Affirmative Action G-32-2.3: Non-Harassment Policy G-32-7: Consensual Relationships Policy G-32-8: Sexual Misconduct Policy</p>	<p>Policies</p> <p><u>General Policies</u> G-28-0: Introduction G-28-0.1: Reporting Contact Information G-28-0.2: Definition of Terms G-28-1: Nondiscrimination and Equal Employment/Affirmative Action Statement G-28-2: Title IX: Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking G-28-2.1: Officials with Authority G-28-3: COCC Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking G-28-3.1: Responsible Employees G-28-3.2: COCC’s Approach to Reports G-28-4: Confidentiality G-28-5: Retaliation G-28-6: Conflict of Interest</p> <p><u>Human Resources Policies</u> G-32-?: Consensual Relationships (re-number only)</p>
<p>Procedures</p> <p>HR-2-0: Consensual Relationship HR-17-0: Reporting Process and Procedure for Nondiscrimination, Sexual Misconduct/Violence and Sexual Harassment HR-17-1: Introduction HR-17-2: Role of Supporting Parties HR-17-3: Reporting and Investigation Process HR-17-4: Appealing a Formal Process Decision</p>	<p>General Procedures</p> <p>New section “N”: Nondiscrimination and Sexual Harassment</p> <p>N-1-0: Nondiscrimination Introduction N-1-1: Filing a Report N-1-2: Supporting Parties N-1-3: Reporting, Investigation and Appeals Process Overview N-1-4: Informal Process N-1-5: Formal Process N-1-6: Appeals Process</p>

<p>HR-17-5: Outside Avenues for Discrimination, Discriminatory or Sexual Harassment and Sexual Misconduct</p>	<p>N-2-0: Title IX Introduction</p> <ul style="list-style-type: none"> N-2-1: Filing a Complaint N-2-2: Dismissal of Complaint N-2-3: Process Counseling N-2-4: Complaint Party Amnesty Clause N-2-5: Standard of Evidence N-2-6: Responding Party and Presumption of Innocence N-2-7: Consolidation of Complaints N-2-8: Advisor of Choice N-2-9: Range of Potential Sanctions N-2-10: Informal Investigation, Decision and Appeal N-2-11: Formal Investigation, Decision and Appeal <p>N-3-0: Introduction – COCC’s Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking Procedures</p> <ul style="list-style-type: none"> N-3-1: Filing a Complaint N-3-2: Dismissal of Report N-3-3: Process Counseling N-3-4: Amnesty Clause N-3-5: Standard of Evidence N-3-6: Responding Party and Presumption of Innocence N-3-7: Consolidation of Reports N-3-8: Supporting Parties N-3-9: Informal Investigation, Decision, and Appeal N-3-10: Formal Investigation, Decision, and Appeal <p>Human Resources Procedures</p> <ol style="list-style-type: none"> 1. HR-?-?: Consensual Relationship (renumber only)
<p>Miscellaneous/Individual Web Pages</p> <ol style="list-style-type: none"> 1. Equal Opportunity Statement 2. Title IX Information 	<ol style="list-style-type: none"> 1. Delete and have all links point to the policy statement 2. Delete and create a Title IX resource/information page 3. Delete – FAR too lengthy – and create a Title IX resource/information page

<p>3. Sexual Misconduct and Sexual Violence: Information and Reporting</p> <p>4. Student Rights and Responsibilities (brief reference in the “judicial system and procedural rights” section – F.3.g, Sexual Offenses)</p>	<p>4. Keep as is as is part of the hearings process, but expand change language to sexual misconduct or violence</p>
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PROPOSED NEW POLICIES

- Nondiscrimination and Equal Employment Opportunity/Affirmative Action Statement
- Federal Title IX: Sexual Harassment, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking
- COCC Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking
- Confidentiality
- Non-Retaliation
- Conflict of Interest

Information in yellow to follow after policies and procedures approved.

Política en Español

G-28-0: Introduction

Central Oregon Community College's goal is to provide an atmosphere mutual support and respect and foster an awareness, acceptance and encouragement of different cultures, values and viewpoints. To ensure compliance with federal and state regulations, and to affirm its commitment to promoting diversity and inclusion for students, employees and guests, COCC developed policies and procedures that provide a prompt, fair and equitable process for addressing allegations of discrimination or harassment on the basis of a protected class status (see G-28-0.2 for those identified as a protected class).

The goal of the following policies is to extend equal opportunity for employment, admission, and participation in the College's programs, services, and activities to all persons.

- Nondiscrimination ([hyperlink](#))
- Equal Opportunity/Affirmative Action ([hyperlink](#))
- Title IX (federal policies regarding sexual harassment, sexual assault, domestic violence, dating violence, and stalking) ([hyperlink](#))
- COCC sexual harassment, sexual assault, domestic violence, dating violence, and stalking ([hyperlink](#))

Any person who believes they have been discriminated against, harassed, or retaliated against by a College employee, representative, student, or community member based on being a member of a protected class is encouraged to address those concerns by reporting it via the College's incident report system or talking with any of the individuals listed below. These individuals have primary responsibility for coordinating COCC's efforts related to investigation, resolution, and implementation of corrective actions.

G-28-0.1: Reporting Contact Information

Anyone who believes they were discriminated, harassed or retaliated against due to their protected class status, as well as anyone who witnesses such actions, are encouraged to complete an incident report using the College’s [incident reporting system](#). They are also welcome to contact any of the individuals below for support or guidance on any aspect of this policy and associated processes.

Area of Concern	Contact
Discrimination or harassment on the basis of gender, gender identity, sexual orientation or sex discrimination; includes but is not limited to including sexual harassment, sexual assault, domestic violence, dating violence, and stalking.	<p>Alicia Moore Vice President of Student Affairs/Title IX Coordinator 2600 NW College Way Coats Campus Center, Room 213 Bend, OR 97703 amoore@cocc.edu or 541.383.7244</p>
Discrimination or harassment on the basis of age, disability, marital status, national origin, ethnicity, color, race, religion, genetic information, citizenship status, veteran status or any other classes protected by State and federal statute.	<p>Laura Boehme (if employee or College representative involved) Chief Human Resources Officer 2600 NW College Way Newberry Hall, Room 109 Bend, OR 97703 lboehme@cocc.edu or 541.383.7219</p> <p>Andrew Davis (if only students involved) Director of Student and Campus Life 2600 NW College Way Coats Campus Center, Room 211 Bend, OR 97703 apdavis@cocc.edu or 541.383.7591</p>

In addition to the above, individuals are welcome to contact Campus Public Safety to file a report: 2600 NW College Way, Boyle Education Center, Room 161, Bend, OR 97703, publicsafety@cocc.edu, or 541.383.7272.

External inquiries may be made externally to:

Oregon Resources

Office of Community Colleges and Workforce Development 255 Capitol Street NE Salem, OR 97310 ccwd.info@state.or.us or 503.947.2401	Bureau of Labor and Industries (BOLI) Civil Rights Division 800 NE Oregon St. Suite 1045 Portland, OR 97232 crdemail@boli.state.or.us or 971.673.0764
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Federal Resources	
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 TDD: (877) 521-2172 OCR@ed.gov Complaint form: https://www2.ed.gov/about/offices/list/ocr/complaintintro.html	Equal Employment Opportunity Commission (EEOC) Federal Office Building 909 First Avenue Suite 400 Seattle, WA 98104-1061 (800) 669-4000 TTY: (800) 669-6820 ASL Video Phone: (844) 234-5122

G-28-0.2: Definition of Terms

The following definitions are used in sections G-28, N-1, N-2, and N-3.

- **Advisor of Choice:** A person chosen by either the reporting or responding parties or by COCC to accompany the parties to related to the report (e.g., investigation, hearing, etc.). The role of the advisor is to advise individuals on the Title IX and COCC process and for Title IX, conduct cross-examination in Title IX hearings.
- **Complainant:** The alleged sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim. The term “complainant” applies to Title IX incidents only and is in compliance with federal law.
- **Complaint (Title IX - Formal):** A document submitted or signed by the complainant or Title IX Coordinator alleging that a respondent engaged in conduct that violates a Title IX policy and requesting that COCC investigate the allegation.
- **Dating Violence:** Violence and abuse committed by a person to exert power and control over a current or former dating partner. Dating violence often involves a pattern of escalating violence and abuse over a period of time. Dating violence covers a variety of actions, and can include physical abuse, physiological and emotional abuse, and sexual abuse. It can also include “digital abuse”, the use of technology, such as smartphones,

the internet, or social media, to intimate, harass, threaten, or isolate a victim. For a full definition of dating violence, see the Violence Against Women Act.

- **Domestic Violence:** A pattern of abusive behavior in a relationship that is used by one partner to maintain power and control over another current or former intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, hurts, injures, or wounds someone. For a full definition of domestic violence, see the Violence Against Women Act.
- **Education Program or Activity:** Locations, event or circumstances where COCC exercises substantial control over both the respondent and the context in which the sexual harassment or discrimination occurs; this also includes any building owned or controlled by a student organization that is officially recognized by COCC. Note that this definition applies to Title IX only and that Oregon law may include incidents that take place between COCC-affiliated parties at an off-campus location not controlled by the institution.
- **Finding:** A conclusion by the preponderance of evidence standard that the alleged conduct occurred and whether violated Title IX policy.
- **Formal Procedure:** Process to formally investigate conduct prohibited by Title IX or COCC sexual harassment; see N-2-11 and N-3-10 for process details.
- **Hearings Officer/Decision-Makers:** Personnel who have decision-making and sanction or remedy authority within COCC's Title IX and internal sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim formal processes.
- **Investigator:** Personnel charged by COCC with gathering facts about an alleged violation of Title IX or COCC sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim policies, assessing relevance of information presented, synthesizing evidence, and compiling information into an investigation report.
- **Notice:** Notice occurs when an employee, student, or third party informs the Title IX Coordinator or other Official with Authority that conduct potentially violating Title IX or COCC sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim occurred or is alleged to have occurred.
- **Official with Authority (OWA):** A COCC employee with responsibility for managing COCC's Title IX or internal sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim policies and procedures, as well as those individuals with assigned to be hearings officers/decision makers. COCC OWA are the Vice President of

Student Affairs/Title IX Coordinator, Chief Human Resources Officer, and the Director of Student and Campus Life.

- **Protected Class:** Includes age, disability, sex, marital status, national origin, ethnicity, color, race, religion, sexual orientation, gender identity, genetic information, citizenship status, veteran or military status, pregnancy or any other classes protected under Federal and State statutes in any education program, activities or employment.
- **Reasonable Person:** Viewing the circumstances from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may have occurred.
- **Remedy:** Actions taken by COCC after a decision to address the safety of the Complainant/Reporting Party and/or community to prevent future conduct that violates either Title IX or the College's sexual harassment policy and to restore access to education programs or activities or the workplace.
- **Respondent:** A person alleged to have engaged in conduct that violates Title IX or COCC internal sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim policies.
- **Responsible Employees:** All COCC employees, with the exception of mental health counselors. Responsible employees must report incidents of sexual harassment to the College's Title IX Officer should they be made aware of or have reasonably known about sexual harassment incident.
- **Sanction:** A consequence imposed by COCC on a respondent who is found responsible for violating a Title IX or COCC sexual harassment policy.
- **Sexual Assault:** Any type of sexual contact or behavior that occurs without consent of the recipient. Sexual assault includes sexual activity such as forced sexual intercourse, sodomy, molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity. For a full definition of sexual assault, see the Violence Against Women Act.
- **Sexual Harassment:** Under Title IX, sexual harassment is defined as unwelcome conduct of a sexual nature that is so considered severe, pervasive, *and* objectively offensive that it effectively denies a person(s) equal access to an education program or activity, as defined under the reasonable person standard. Under State of Oregon law, sexual harassment is defined as severe, pervasive, *or* objectively offensive. In either case, it includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature and may come in the form of a hostile or intimidating environment or quid pro quo.

- Stalking: Pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking is dangerous and can often cause severe and long-lasting emotional and psychological harm to victims. Stalking often escalates over time and can lead to domestic violence, sexual assault, and even homicide. Stalking can include frightening communications, direct or indirect threats, and harassing a victim through the internet. For a full definition of stalking, see the Violence Against Women Act.
- Title IX Coordinator: An official or officials designated by COCC to ensure compliance with Title IX and COCC's Title IX program.

G-28-1: Nondiscrimination and Equal Employment Opportunity/Affirmative Action Statement

The goal of Central Oregon Community College is to provide an atmosphere that encourages our faculty, staff and students to realize their full potential. In support of this goal, it is the policy of the Central Oregon Community College that there will be no discrimination or harassment on the basis of age, disability, sex, marital status, national origin, ethnicity, color, race, religion, sexual orientation, gender identity, genetic information, citizenship status, veteran or military status, pregnancy or any other classes protected under Federal and State statutes in any education program, activities or employment.

This policy covers nondiscrimination in both employment and access to educational opportunities. When brought to the attention of the appropriate parties, any such actions will be promptly and equitably responded to according to the process outlined in sections N-1, N-2, or N-3.

G-28-2: Title IX: Sexual Harassment, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Title IX refers to the federal law prohibiting sexual harassment, sexual assault, domestic violence, dating violence and stalking on college campuses. The policies listed in this section apply only to qualifying Title IX allegations specifically prohibited by Title IX of the Education Amendments of 1972. According to the federal Office for Civil Rights and the U. S. Department of Education, Title IX's reach is limited in scope. However, State of Oregon laws and COCC policies prohibit more activities than Title IX. See G-28-3 and N-3 for policy and procedure details.

It is important to note that sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

The following conditions must be met for an incident to be considered a potential Title IX complaint:

- An incident must take place within the geographic boundaries of the United States;

- An incident must take place on property owned or controlled by College, at COCC-sponsored events, or in buildings owned or controlled by COCC's recognized student organizations;
- The complainant must be participating in or attempting to participate in an education program or activity at the time of filing the complaint; and
- The complainant must report the incident(s) to an "official with authority" (see G-28-0 for contact information).

Additionally, to qualify as sexual harassment under Title IX, the incident must be considered severe, pervasive, *and* objectively offensive that it effectively denies a person(s) equal access to an education program or activity, as defined under the reasonable person standard. This standard does not apply to sexual assault, domestic violence, dating violence or stalking.

Alleged sexual harassment actions that do not fall within the above scope may be reported as a potential violation of COCC's sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim policy, G-28-3.

G-28-2.1: Officials with Authority

Under Title IX, a College may only investigate an alleged Title IX incident if it was reported to an "Official with Authority" (OWA). An OWA is defined as a COCC employee with responsibility for managing COCC's Title IX or internal sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim policies and procedures, as well as those individuals with assigned to be hearings officers/decision makers. COCC OWA are the Vice President of Student Affairs/Title IX Coordinator, Chief Human Resources Officer, or the Director of Student and Campus Life; G-28-0.1 for contact information.

G-28-3: COCC Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking

COCC prohibits sexual harassment of any kind between any COCC parties. Sexual harassment is defined as unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct where such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance or it has created an intimidating, hostile, or offensive environment and would have such an effects on a reasonable person. This includes sexual assault, domestic violence, dating violence, and stalking (see G-28-0-c definitions of sexual assault, domestic violence, dating violence, and stalking). Sexual harassment may happen between individuals of the same or different genders and may be based on gender stereotypes, sexual orientation and gender identity. It may occur between COCC parties at either on- or off-campus location(s).

G-28-3.1: Responsible Employees

All COCC employees are considered "responsible employees," meaning that employees must report incidents of sexual harassment to the College's Title IX Officer should they be made

aware of or have reasonably known about sexual harassment incident. Personal/mental health counselors are exempt from this requirement.

G-28-3.2: COCC's Approach to Reviewing Incident Reports

Under COCC's sexual harassment, sexual assault, domestic violence, dating violence, and stalking policies and processes, the College will employ an anti-oppression, culturally-responsive, gender-responsive, and trauma-informed approach to its interaction with the reporting and responding parties; see below for definitions of each. Additionally, the College will provide training on these topics to key staff employees involved with any sexual harassment investigation.

Anti-Oppression. As part of its sexual harassment process, COCC will demonstrate an ongoing commitment to anti-oppression policies and processes by:

- Treating each report seriously and without marginalizing, silencing or dismissing reported behaviors;
- Not blaming the reporting party for any reported or past actions;
- Regularly evaluating sexual harassment, sexual assault, domestic violence, dating violence, and stalking policies and procedures to ensure an equitable process for all parties involved, including individualized supports for the reporting party and equal access to advocates at all stages of the process for all parties.

Culturally-Responsive. As part of its sexual harassment process, COCC will demonstrate an ongoing commitment to being culturally-responsive by:

- Creating opportunities for dialogue about reported incidents between investigators and those involved with any investigation;
- Maintaining a trusting, respectful persona with all parties;
- Understanding that one's history and culture may affect how information is shared;
- Not judging the information or person based on how information is presented; and
- Providing on-going diversity, equity and inclusion training to all employees actively involved in sexual harassment, sexual assault, domestic violence, dating violence, and stalking investigations.

Gender-Responsive. As part of its sexual harassment process, COCC will demonstrate an ongoing commitment to being culturally-responsive by:

- Not assuming to know preferred pronouns, gender identity or sexual orientation of parties involved in a report;
- Stereotype traditional gender, sexual orientation, or gender preferences roles or behaviors with undue bias;
- Attribute blame to a particular gender based on an immediate response to an incident, but will instead make sure both parties are heard and reported accurately;

- Ensuring that both parties are heard and that their perspectives are reported accurately by not attributing blame based on an immediate response to an incident.

Trauma-Informed. As part of its sexual harassment process, COCC will demonstrate an ongoing commitment to employing a trauma-informed approach to investigations by:

- Understanding that the reported incident(s) could have varied impact on individuals given the variety of vicarious, historical, institutional and cultural trauma;
- Understanding, recognizing, and responding to the trauma in a manner appropriate to the individual;
- Understanding that reporting parties may experience the effects of trauma before, during, and after an investigation; and
- Employing communication strategies to support the reporting party through and after the process.

G-28-4: Confidentiality

Throughout this process, the College commits to preserving confidentiality to the greatest extent possible, noting that information will be shared only with appropriate College staff as needed to fully investigate the nondiscrimination, sexual harassment, sexual assault, domestic violence, dating violence or stalking concern. However, should the reporting party request complete confidentiality, the College will make every attempt possible to honor that request.

Exceptions to confidentiality:

- The College is required to investigate Title IX concerns if an employee is involved; it is not required to do so if it is a non-Title IX sexual harassment, sexual assault, domestic violence, dating violence, and stalking concern.
- The College is required to investigate if the alleged victim is under the age of 18; depending on the nature of the concern, the College may be required to report information to appropriate authorities (see HR Policy - [Mandatory Reporting - Child Protection Policy](#)).
- The College may investigate a report if it is a pattern of repeated behavior and/or if there appears to be a health or safety risk to the College.

G-28-5: Retaliation

COCC prohibits retaliation against a person(s) who:

- Reported or filed a discrimination or sexual harassment complaint,
- Participated in the investigation or adjudication of such a complaint, or
- Assisted or supported others in bringing forward a complaint.

Retaliation is defined as conduct that may reasonably be perceived to adversely affect a person's educational or work environment because of their good-faith participation in the reporting, investigation, and/or resolution of a real or alleged violation of Title IX or COCC

sexual harassment, sexual assault, domestic violence, dating violence, and stalking policy. Retaliation also includes discouraging a reasonable person from making a report or participating in an investigation under this policy.

Retaliation can be committed by any individual or group of individuals, including by proxy, of those involved with the concern. Retaliation constitutes a violation of this policy even if the underlying allegations did not result in a finding of responsible or if the report is dismissed.

Acts of retaliation may be added to existing report and/or investigated separately at the discretion of the College.

G-28-6: Conflict of Interest

When investigating alleged discrimination or sexual harassment concerns, the College will make all attempts to avoid any conflict of interest between personnel involved as investigators, advocates, or hearings officers and those listed in the report. For purposes of this policy, conflict of interest is defined as when an individual has a personal connection to those involved in a report of discrimination (e.g., instructor or supervisor of the reporter or respondent) that could compromise their ability to carry out their role free of bias towards either party.

Decisions about potential conflict will be made by the Vice President of Student Affairs/Title IX Coordinator and/or the Chief Human Resources Officer. If a situation arises in which conflict cannot be avoided, the College may contract with an outside organization for assistance. If a situation arises in which the Vice President of Student Affairs/Title IX Coordinator and/or the Chief Human Resources Officer are involved, the situation will go to the President to appoint appropriate staff to investigate the concerns.

PROPOSED NEW PROCEDURES

- Nondiscrimination
- Federal Title IX: Sexual Harassment, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking
- COCC Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking

N-1-0: Introduction - Nondiscrimination

Central Oregon Community College’s goal is to provide an atmosphere mutual support and respect and fostering an awareness, acceptance and encouragement of different cultures, values and viewpoints. To ensure compliance with federal and state regulations, COCC offers the following processes to guide investigations into discrimination, Title IX, or other sexual harassment (including sexual assault, domestic violence, dating violence and stalking) reports.

N-1-1: Filing a Report

Anyone who believes they were discriminated, harassed or retaliated against due to their protected class status, as well as anyone who witnesses such actions, are encouraged to complete an incident report using the College’s [incident reporting system](#). They are also welcome to contact any of the individuals below for support or guidance on any aspect of this policy and associated processes.

Area of Concern	Contact
Discrimination or harassment on the basis of gender, gender identity, sexual orientation, or sex discrimination; includes but is not limited to including sexual harassment, sexual assault, domestic violence, dating violence, and stalking.	Alicia Moore Vice President of Student Affairs/Title IX Coordinator 2600 NW College Way Coats Campus Center, Room 213 Bend, OR 97703 amoore@cocc.edu or 541.383.7244
Discrimination or harassment on the basis of age, disability, marital status, national origin, ethnicity, color, race, religion,, genetic information, citizenship status, veteran status or any other classes.	Laura Boehme (if employee or College representative involved) Chief Human Resources Officer 2600 NW College Way Newberry Hall, Room 109 Bend, OR 97703 lboehme@cocc.edu or 541.383.7219 Andrew Davis (if only students involved) Director of Student and Campus Life 2600 NW College Way Coats Campus Center, Room 211 Bend, OR 97703

In addition to the above, individuals are welcome to contact Campus Public Safety to file a report: 2600 NW College Way, Boyle Education Center, Room 161, Bend, OR 97703, publicsafety@cocc.edu, or 541.383.7272.

N-1-2: Supporting Parties

Reporting or responding parties may bring a supporting party to any aspect of the informal or formal process.

Role of Supporting Parties: In all cases, the supporting party should not have information that may inform the investigation, but instead, attends solely in a supporting role. The support person is not permitted to speak during the meetings associated with this process. This allows the reporting party to best share their experience using their own words.

Students, Community Members or Non-Represented Employees: If the reporting party is a student, community member, or employee not represented by a bargaining unit of the College, the individual may have a support person present at any time during the process. If a supporting party is not available, the student, community member, or employee may request a College-appointed supporting party.

Represented Employees: If an employee is represented by the Classified Association of Central Oregon Community College (CACOCC), the Central Oregon Community College Faculty Forum (COCCFF), or the COCC Adult Basic Skills Instructors - Oregon School Employees Association, the employee may have a representative from her/his bargaining unit or other supporting party present with her/him at any time during the process; they may also request that the College assign a College-appointed individual in this role.

N-1-3: Reporting, Investigation and Appeals Process

The following process provides guidance on the College's informal and formal process for investigating and resolving any report of discrimination, noting that Title IX and other sexual harassment reports follow a separate process (see N-2 for Title IX incidents and N-3 for COCC sexual harassment, sexual assault, domestic violence, dating violence or stalking incidents).

The COCC Director of Student and Campus Life will serve as the lead staff person for student-to-student reports and the Director of Human Resources will serve as the lead staff member if an employee is involved.

N-1-4: Informal Process

The College recognizes that some individuals may wish to resolve an incident(s) on their own, but may need support to do so. In the event that the reporting party wishes to resolve a situation on their own, they are encouraged first to report the incident(s) to the lead staff person. That person can then coach the reporting party on how to resolve the situation,

provide options for personal support, and discuss the formal process. The reporting party is encouraged to notify the lead staff member as to whether the concerns were resolved.

Note that the College reserves the right to move the concern to a formal process if the reported action is a repeated behavior and/or a threat to the health and safety of the College.

N-1-5: Formal Process

Note that the College will work to resolve all issues within the timelines listed below. It reserves the right for an extension to these timelines should multiple individuals be involved or more complex issues arise. If this happens, the College will make a good faith effort to notify the reporting and responding party(ies).

1. The student, employee or community member files a report through the College's [incident report system](#) or by contacting any of the parties listed in section G-28-0.1.
2. The report is routed to the Director of Student and Campus Life for student-to-student concerns or the Director Human Resources Officer if an employee is involved (hereafter referred to as the "lead staff member").
3. The lead staff member, or their designee, will meet with the concerned individual(s) within five business days of receiving the report to review the concerns, discuss confidentiality, determine the reporting parties' desired next steps, determine the proper avenue for addressing the complaint, and assess the health and safety of the COCC community.
4. Based on the meeting with the reporting party, the lead staff member will make an initial assessment to determine if the alleged actions violate COCC's nondiscrimination policy. If the initial assessment indicates no policy violation has occurred, the lead staff member will work directly with the reporting party towards a resolution.
5. If the report appears that it may violate the College's nondiscrimination policy and if the reporting party requests the College continue with the investigation, the lead staff member, or designee, will appoint an investigator to review the situation.
6. The investigator will meet with the reporting and responding parties individually, as well as other individuals associated with the report as appropriate. Note that either party may bring a supporting party to the meetings (see section N.1.2).
7. Upon completion of the investigation, the investigator will compile a fact-based report and give to the lead staff member.
8. The lead staff member will review the report to determine whether a violation of the College's nondiscrimination policy occurred and if so, appropriate next steps. For students, this could be a student conduct hearing. For employees, this will be based on the process associated with their employee group's contract or handbook.

N-1-6: Appeals Process

The reporting or responding party may appeal the final decision under the following circumstances:

- Violation of the process detailed in this section;

- In light of new evidence not reasonably available at time of investigation;
- Evidence of bias on part of the lead staff member; or
- Evidence of conflict of interest of the lead staff member (see G-28-6 for “Conflict of Interest” definition)

The appeal must be filed within five business days of the final decision. If the original decision was made by the Director of Student and Campus Life, the appeal should be filed with the Vice President of Student Affairs. If the original decision was made by the Director of Human Resources, the appeal should be filed with the Chief Information and Human Resources Officer. The request for an appeal will be denied if any one of the above conditions are not met or if it not filed within five business days.

If an appeal is warranted, the Vice President of Student Affairs or the Chief Information and Human Resources Officer will serve as the appeals officer to review the decision, investigative report, and any evidence. The appeals officer will notify all parties of their decision within ten business days of being appointed to the process. The appeals officer’s decision is final.

N-2-0: Introduction - Title IX - Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking Procedures

Title IX refers to the federal law prohibiting sexual harassment, sexual assault, domestic violence, dating violence and stalking on college campuses. The policies listed in this section apply only to qualifying Title IX allegations specifically prohibited by Title IX of the Education Amendments of 1972. According to the federal Office for Civil Rights and the U. S. Department of Education, Title IX’s reach is limited in scope. However, State of Oregon laws and COCC policies prohibit more activities than Title IX. See G-28-3 and N-3 for policy and procedure details.

Please see G-28-0.2, Definition of Terms, for the terms used in this section.

N-2-1: Filing a Complaint

The reporting party (hereafter referred to as “complainant”) files an initial report via the College’s [incident reporting system](#) or by talking with any employees listed in G-28-0.1. To be given Title IX consideration, the report must be filed by the complainant or Title IX Coordinator; third-party complaints are not allowed. Additionally, the report must include a description of the allegation, request that the College investigate the incident(s), and be signed (electronic or physical) by the complainant or Title IX Coordinator. If the complaint is not complete, the Title IX Coordinator will work with the complainant to finalize the report if they wish to do so.

N-2-2: Dismissal of Complaint

The College is required to dismiss a complaint at any point during an investigation or hearing if it does not meet the conditions listed in G-28-2 or if sufficient evidence cannot be gathered. If this occurs, the complainant may pursue actions under the College’s Sexual Harassment Policy, G-28-3. Additionally, the College will dismiss the complaint at any point during an investigation

or hearing if a complainant notifies the Title IX Coordinator in writing they would like to withdraw the complaint.

Parties will be notified in writing in the event of a dismissal.

N-2-3: Process Counseling

Upon receipt of the complaint, the College's Title IX Coordinator will contact the reporting party to:

- Explain reporting options, including option to report to law enforcement;
- Provide guidance on how to file a complaint;
- Review the informal and formal investigation process; and
- Provide information on available support resources.

N-2-4: Amnesty Clause

In order to encourage complainants and witnesses to report potential Title IX incidents, the College will not pursue disciplinary action against complainants or witnesses who disclose personal alcohol or other drug use if the report is made in good faith or the actions did not place the health or safety of any other person at risk. The College may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

N-2-5: Standard of Evidence

The College will apply the "preponderance of evidence" standard for both the informal or formal process. Preponderance of evidence is defined as the facts and evidence demonstrate that the alleged policy violation is more likely to have happened than not.

N-2-6: Responding Party and Presumption of Innocence

The respondent is presumed not responsible for the alleged actions until the hearings officer has an opportunity to review the investigatory report and make their determination.

N-2-7: Consolidation of Complaints

During the course of an informal or formal investigation, the College may learn additional information that leads to additional allegations and/or involve more than one complainant. In these instances, the College reserves the right to consolidate cases and investigate under one process or treat each as separate incidents. The complainant(s) and responding parties will be notified through the appropriate procedures should this occur.

N-2-8: Advisor of Choice

Title IX requires that all complainants and respondents have an advisor present during the investigation, hearings, and appeals processes. Parties can opt for their own advisor or select from a pool of COCC-trained advisors; if a party does not do so, the meeting will be paused and an advisor automatically assigned.

The role of the advisor is to primarily advise parties on the process, help parties track information, advise parties on their rights, and if a COCC-trained advisor, refer parties to on- and off-campus supports. In all cases, the advisor should not have information that may inform the investigation. The advisor is not permitted to speak during the meetings associated with this process, with the exception that they are the only party allowed to cross-examine others during a hearing.

N-2-9: Range of Potential Sanctions and Remedies

Title IX violations solely involving students in which an individual(s) is found responsible may result in sanctions including, but not limited to, warning, suspension, summary suspension, expulsion or other sanctions deemed appropriate by the hearings officer. Remedies could include, but are not limited to, providing an alternative class schedule and increasing training for students and employees.

Title IX violations in which an employee is found responsible may result in just cause for discipline, which includes, but not limited to, warning, temporary dismissal, dismissal or other sanctions deemed appropriate by the hearings officer. Remedies could include, but are not limited to, providing an alternative work schedule and increasing training for students and employees.

N-2-10: Informal Investigation, Decision, and Appeal

The College will utilize the following process should the complainant wish to pursue an informal process, noting that other activities may take place at the discretion of the Title IX Officer and as appropriate to the investigation. The timelines listed below are estimates only and the College reserves the right for additional time should complex situations arise.

Note that this process is only available in situations involving a student(s) as the responding party. If the responding party is an employee, the College must pursue an investigation under the formal process (N-2-11).

Initial Notification and Determination of Process

1. The Title IX Officer will meet with the complainant to explain reporting options and processes, including option to report to law enforcement; review the informal and formal investigation process; confidentiality; and provide information on available support resources.
2. Should the complainant wish to move forward with an informal investigation, the Title IX Officer will notify the respondent, in writing, of the alleged complaint.
3. The Title IX Officer will review the informal and formal investigation process with the complainant and respondent independently. Both parties must agree, in writing, to pursue the informal investigation.
4. Should both parties agree, the College will assign an investigator who does not have a conflict of interest with either party (see G-28-6). Should one or both parties not agree,

and if the complainant wishes to pursue a formal investigation, the College will use the formal process (see N-2-11).

Investigation and Decision

1. The investigator will meet independently with both parties, allowing each to share their perspective on the alleged incident(s), ask questions for clarity, information about potential witnesses, appropriate evidence, and any other information needed to best determine the facts associated with the incident. The investigator will meet with witnesses as appropriate.
2. After meeting with all parties, the investigator will complete a written report summarizing all facts and evidence within ten business days.
3. The report will be forwarded to the Title IX Coordinator. If the complaint is between students only, or if the respondent is a student, the report will be sent to the Director of Student and Campus Life to consider if a potential policy violation exists. If so, the Director of Student and Campus Life will hold a student conduct hearing and determine potential sanctions or remedies (see N-2-9). If the complaint involves an employee as the complainant, the report will be sent to the Director Human Resources to consider if a potential policy violation exists and any appropriate next steps. Note that the College is required to shift the complaint to the formal process if the responding party is an employee.

Appeals

The complainant or respondent party may appeal the decision under the following circumstances:

- Violation of the process detailed in this section;
- In light of new evidence not reasonably available at time of investigation;
- Evidence of bias on part of the investigator(s), Director of Campus and Student Life or Director of Human Resources to; or
- Evidence of conflict of interest of the investigator(s), Director of Campus and Student Life or Director of Human Resources (see G-28-6 for "Conflict of Interest" definition)

The appeal must be filed within five business days of the final decision and submitted to the Director of Campus and Student Life or Director of Human Resources.

Request for appeal involving only students will be reviewed by the Chief Information and Human Resources Officer (CIHRO); in the absence of the CIHRO, the CIHRO will designate an alternate. The request for an appeal will be denied if any one of the above conditions are not met or if it not filed within five business days. If an appeal is warranted, the VPSA will review the decision, investigator report, and evidence. The VPSA will notify all parties of their decision within ten business days unless extenuating circumstances exist. The VPSA's decision is final.

Request for an appeal involving employees will be reviewed by the Chief Information and Human Resources Officer (CIHRO); in the absence of the CIHRO, the Title IX Coordinator will designate an alternate. The request for an appeal will be denied if any one of the above conditions are not met or if it not filed within five business days. If an appeal is warranted, the CIHRO will review the decision, investigative report, and any evidence. The CIHRO will notify all parties of their decision within ten business days unless extenuating circumstances exist. The CIHRO's decision is final.

N-2-11 Formal Investigation, Decision, and Appeal

The College will utilize the following process should the complainant wish to pursue a formal Title IX investigation and resolution process. The timelines listed below are estimates only and the College reserves the right for additional time should complex situations arise.

Initial Notification and Determination of Process

1. The complainant files an initial report via the College's [incident reporting system](#) or by talking with any employees listed in section G-28-0.1. To be considered a Title IX complaint, the report must be filed by the complainant or Title IX Coordinator; third-party complaints are not allowed. Additionally, the report must include a description of the allegation, request that the College investigate the incident(s), and be signed (electronic or physical) by the complainant or Title IX Coordinator. If the complaint is not complete, the Title IX Coordinator will work with the complainant to finalize the report if they wish to do so.
2. The College will make an initial assessment to ensure that the complaint meets Title IX regulatory standards (see section G-28-2). If the complaint does not appear to meet these standards, the Title IX Officer will discuss alternative investigatory options with the complainant.
3. If the complaint appears to meet Title IX standards, the Title IX Officer will meet with the complainant to explain reporting options, requirements, and processes, including reporting to law enforcement; discuss options for an advisor and the advisor's role; review the informal and formal investigation process; review confidentiality options; provide information on available support resources; and determine complainant wishes for next steps.
4. If the complainant wishes, the College will implement interim measures designed to ensure the complainant's right to access their education, develop safety plans for potential future interactions, and provide academic accommodations reasonable and appropriate to the nature of the alleged incident(s).

Investigation Process

1. The Title IX Coordinator will provide written notice of the allegations and investigation to the respondent. This notice will include:
 - a. A summary of the allegations;

- b. Date(s) and location(s) of incident(s), if known;
- c. Identity of parties, if known;
- d. The alleged policy violation;
- e. Description of the Title IX formal investigatory and appeals process;
- f. Potential sanctions and remedies;
- g. Evidentiary standard, including a statement that the respondent is presumed not responsible for the alleged actions until the hearings officer has an opportunity to review the investigatory report;
- h. Statement on COCC's non-retaliation policy;
- i. Statement on process privacy;
- j. A statement on each party's requirement to have a College-appointed advisor or advisor-of-choice each stage of the process and how to request a College-appointed advisor if needed;
- k. A statement that COCC prohibits participants from knowingly making false statements during the course of this process;
- l. Details on how to request accommodations for those with disabilities;
- m. The names and contact information for the investigator and hearings officers, along with an opportunity for the respondent to identify potential conflicts of interest between the respondent and investigator and/or hearings officer; and
- n. Directions to preserve any evidence directly related to the investigation.

The notice of allegations and investigation will be delivered in two or more of the following ways: Delivered in person, mailed to permanent or temporary address, or emailed to the parties' COCC email. Once delivered, mailed or emailed, the College will presume the letter was received.

2. The College will appoint an investigator(s) free from conflict of interest for both the complainant and respondent.
3. Upon receipt of the notice of allegations and investigation, the investigator(s) will typically take the following steps, although not necessarily in the order listed:
 - a. Individually interview the complainant(s) and respondent(s), noting that the College will provide a college-appointed advisor should the complainant or respondent not have someone serving this capacity. The investigator will schedule the meeting at a mutually agreed-upon date and time no more than ten days after being appointed as an investigator.
 - b. Notify the complainant and respondent of interview dates, including interviews with witnesses;
 - c. Interview potential, relevant witnesses, noting that any witness may have a supporting party in attendance (see section N-1-2).
 - d. Collect and document relevant evidence.

4. Upon conclusion of the interviews with complainant, respondent, and witnesses, the investigator(s) will draft a report to include, at a minimum, the following:
 - a. Background (e.g., date of report and incident(s), alleged policy violation, names of complainant(s) and respondent(s) and their advisors, interim measures);
 - b. Verification that the complaint met Title IX regulatory standards;
 - c. Factual summary of investigatory findings
 - d. List of all parties interviewed, dates, and times;
 - e. Narrative of interviews;
 - f. Description of evidence collected;
 - g. Institutional standard of evidence statement and how the allegations meet or do not meet this standard; and
 - h. Other information which may assist the hearings officer in making their determination.

The report will not include information not directly related to the alleged violation, unless it is evidence of a pattern of behavior on behalf of the respondent, the character of the complainant or respondent, or the complainant's past sexual activity unless offered to prove that someone else conducted the alleged violation.

5. The draft investigatory report will be sent to the Title IX Coordinator.
6. The Title IX Coordinator will send the report and copies of any evidence to the complainant, respondent, and their advisors.
7. The complainant or respondent will have ten business days by which to contest any factual information included in the report and must provide evidence to support this request. The investigator, at their discretion, will modify the report if appropriate. If not, the investigator will provide an addendum to the report with the complainant or respondent's requested modification.

Hearing/Decision Process

1. The Title IX Coordinator will assign a hearings officer to review the report. The hearings officer will be the Director of Student and Campus Life if the incident(s) only involve students or the Director of Human Resources if the incident(s) involve an employee.
2. Upon review of the final investigator report, the Hearing Officer shall determine if a hearing is warranted. If no, the complaint will be dismissed and complainant and responding parties notified.
3. If the hearing is warranted, the complainant and respondent will be notified of the hearing date, time, location/modality. A hearing will be scheduled no sooner than 10 days after the release of the investigative report. If requested by either party, the complainant and respondent can be in different rooms, but connected via appropriate

technology supports. The request may be made prior to or during any part of the hearing by either party.

4. The complainant and respondent are permitted to bring an advisor of choice to the hearing (see N-2-8). If they do not do so, the College will appoint someone to serve in this capacity.
5. Record of Hearing: All hearings will be recorded either by an audio or video transcript.
6. The investigator will present a summary of their report at the start of the hearing and be available throughout the hearing to answer any questions or provide clarification of information provided by complainant or respondent during the hearing.
7. The hearings officer will ask needed questions of both parties.
8. Each party has an opportunity to cross-examine one another, noting that only the advisor of choice may ask the questions. The hearing officer will determine whether the questions are relevant. Questions about past sexual activity may not be part of any questioning unless the question demonstrates a pattern of behavior directly connected to the allegations. If a party does not respond to cross-examination questions, then the hearings officer may only rely on information in the investigator's report when making their decision.
9. The hearing will conclude.
10. The hearing officer will provide written notification of their decision to the complainant, respondent, and advisors within ten business days of the hearing. This notice will include the finding of responsible or not responsible, rationale for the decision, any sanctions, remedies, options for appealing the decision, and a statement of non-retaliation (see G-28-5).

Appeals Process

The complainant or respondent party may appeal the decision under the following circumstances:

- Violation of the process detailed in this section;
- In light of new evidence not reasonably available at time of investigation;
- Evidence of bias on part of the investigator or hearing officer; or
- Evidence of conflict of interest of the investigator or hearing officer (see G-28-6 for "Conflict of Interest" definition)

The appeal must be filed within five business days of the hearings to the hearing officer.

Request for appeal involving only students will be reviewed by the Chief Information and Human Resources Officer (CIHRO); in the absence of the CIHRO, the CIHRO will designate an alternate. The request for an appeal will be denied if any one of the above conditions are not met or if it not filed within five business days. If an appeal is warranted, the VPSA will review the decision, investigator report, and evidence. The VPSA will notify all parties of their decision within ten business days unless extenuating circumstances exist. The VPSA's decision is final.

Request for an appeal involving employees will be reviewed by the Chief Information and Human Resources Officer (CIHRO); in the absence of the CIHRO, the Title IX Coordinator will designate an alternate. The request for an appeal will be denied if any one of the above conditions are not met or if it not filed within five business days. If an appeal is warranted, the CIHRO will review the decision, investigative report, and any evidence. The CIHRO will notify all parties of their decision within ten business days unless extenuating circumstances exist. The CIHRO's decision is final.

N-3-0: Introduction – COCC's Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking Procedures

The definition for sexual harassment under Title IX (N-2-0) is limited in scope and as such, COCC adopted a process for sexual harassment, sexual assault, domestic violence, dating violence and stalking that aligns with State of Oregon law. This section describes the process used should a report not fall within the jurisdiction of or standards associated with Title IX.

Under Oregon law, sexual harassment is defined as unwelcome conduct of a sexual nature and can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct where such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance or it has created an intimidating, hostile, or offensive environment and would have such an effects on a reasonable person. This includes sexual assault, domestic violence, dating violence, and stalking (see G-28-0-c definitions of sexual assault, domestic violence, dating violence, and stalking). Sexual harassment may happen between individuals of the same or different genders and may be based on gender stereotypes, sexual orientation and gender identity. It may occur between COCC parties at either on- or off-campus location(s).

Please see the definition of terms (section G-28-0.2) for the terms used in this section.

N-3-1: Filing a Complaint

The reporting party files an initial report via the College's [incident reporting system](#) or by talking with any employees listed in section G-28-0.1.

N-3-2: Dismissal of Report

The College may dismiss a report at any point during an investigation or hearing if it does not meet the definition in N-3-0 or if sufficient evidence cannot be gathered. Additionally, the College will dismiss the report if at any point during an investigation or hearing if the reporting party notifies the Title IX Coordinator in writing they would like to withdraw the complaint.

In the event of a dismissal, all parties will be notified in writing.

N-3-3: Process Counseling

Upon receipt of the complaint, the College's Title IX Coordinator will contact the reporting party to:

- Explain reporting options, including option to report to law enforcement;
- Provide guidance on how to file a complaint;
- Review the informal and formal investigation process; and
- Provide information on available support resources.

N-3-4: Amnesty Clause

In order to encourage complainants and witnesses to report potential Title IX incidents, the College will not pursue disciplinary action against complainants or witnesses who disclose personal alcohol or other drug use if the report is made in good faith or the actions did not place the health or safety of any other person at risk. The College may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

N-3-5: Standard of Evidence

The College will apply the “preponderance of evidence” standard for both the informal or formal process. Preponderance of evidence is defined as the facts and evidence demonstrate that the alleged policy violation is more likely to have happened than not.

N-3-6: Responding Party and Presumption of Innocence

The responding party is presumed not responsible for the alleged actions until the hearings officer has an opportunity to review the investigatory report and make their determination.

N-3-7: Consolidation of Reports

During the course of an informal or formal investigation, the College may learn additional information and/or involve more than one responding party. In these instances, the College reserves the right to consolidate cases and investigate under one process or treat each as separate incidents. The reporting and responding parties will be notified through the appropriate procedures should this occur.

N-3-8: Supporting Parties

Reporting or responding parties may bring a supporting party to any aspect of the informal or formal process.

Role of Supporting Parties: In all cases, the supporting party should not have information that may inform the investigation, but instead, attends solely in a supporting role. The support person is not permitted to speak during the meetings associated with this process. This allows the reporting party to best share their experience using their own words.

Students, Community Members or Non-Represented Employees: If the reporting party is a student, community member, or employee not represented by a bargaining unit of the College, the individual may have a support person present at any time during the process. If a

supporting party is not available, the student, community member, or employee may request a College-appointed supporting party.

Represented Employees: If an employee is represented by the Classified Association of Central Oregon Community College (CACOCC), the Central Oregon Community College Faculty Forum (COCCFF), or the COCC Adult Basic Skills Instructors - Oregon School Employees Association, the employee may have a representative from her/his bargaining unit or other supporting party present with her/him at any time during the process; they may also request that the College assign a College-appointed individual in this role.

N-3-9: Informal Investigation, Decision, and Appeal

The College recognizes that some individuals may wish to resolve an incident(s) on their own, but may need support to do so. In the event that the reporting party wishes to resolve a situation on their own, they are encouraged first to report the incident(s) via the College's [incident reporting system](#) or by talking with any employees listed in section G-28-0.1. That person can then coach the reporting party on how to resolve the situation, provide options for personal support, and discuss the formal process. The reporting party is encouraged to notify the lead staff member as to whether the concerns were resolved.

Note that the College reserves the right to move the concern to a formal process if the reported action is a repeated behavior and/or a threat to the health and safety of the College.

N-3-10 Formal Investigation, Decision, and Appeal

The College will utilize the following process should the reporting party wish to pursue a formal investigation and resolution process. The timelines listed below are estimates only and the College reserves the right for additional time should complex situations arise.

Initial Notification and Determination of Process

1. If a College employee (see "responsible party," G-28-3.1) is notified of a potential sexual harassment, sexual assault, domestic violence, dating violence, and stalking incident(s), they must notify the College's Title IX Officer. Alternatively, an individual may file their own report via the College's [incident reporting system](#) and/or speak with any staff member listed in section G-28-0.1.
2. The Title IX Officer will meet with the reporting party to explain reporting options, requirements, and processes; discuss the role of supporting parties; discuss options to report to law enforcement; review the informal and formal investigation process; review confidentiality options; provide information on available support resources; and determine reporting party's wishes for next steps.
3. If the reporting party wishes, the College will implement interim measures designed to ensure the reporting party's right to access their education, develop safety plans for potential future interactions, and provide academic accommodations reasonable and appropriate to the nature of the alleged incident(s).

4. If the report appears to violate the College's sexual harassment, sexual assault, domestic violence, dating violence, and stalking policy, and if the reporting party so desires, the College will initiate an investigation. The reporting party may withdraw their request for the investigation at any point of the process.

Investigation Process

1. The College will appoint an investigator(s) free from conflict of interest (see G-28-6) for both the reporting party and responding party.
2. The investigator will contact the reporting and responding parties for individual interviews. In the case of the responding party, the investigator will provide information about the nature of the allegations and names of reporting parties in line with the reporting party's wishes for confidentiality. This information will be delivered in two or more of the following ways: Delivered in person, mailed to permanent or temporary address, or emailed to the parties' COCC email. Once delivered, mailed or emailed, the College presume the letter was received.
3. Upon receipt of the notice of investigation, the investigator(s) will typically take the following steps, although not necessarily in the order listed:
 - a. Individually interview the reporting party(s) and responding party(s), noting that the College will provide a college-appointed advisor should the reporting or responding party not have someone serving in this role. The investigator will schedule the meeting at a mutually agreed-upon date and time no more than ten days after being appointed as an Investigator.
 - b. Interview potential, relevant witnesses, noting that any witness may have a supporting party in attendance (see section N-1-2).
 - c. Collect and document relevant evidence.
4. Upon conclusion of the interviews with reporting party, responding party, and relevant witnesses, the investigator(s) will write a report to include, at a minimum, the following:
 - a. Background (e.g., date of report and incident(s), alleged policy violation, names of reporting party(s) and responding party(s) and their advisors, interim measures);
 - b. Verification whether the report met sexual harassment, sexual assault, domestic violence, dating violence or stalking definitions;
 - c. List of all parties interviewed, dates, and times;
 - d. Summary of interviews;
 - e. Description of evidence collected;
 - f. Institutional standard of evidence statement and how the allegations meet or do not meet this standard; and

- g. Other information which may assist the hearings officer in making their determination.

The report will not include information not directly related to the alleged violation unless it is evidence of a pattern of behavior on behalf of the responding party, investigator judgment about the character of the reporting party or responding party, or the either party's past sexual activity unless offered to prove that someone else conducted the alleged violation.

5. The investigatory report will be sent to the Title IX Coordinator.

Hearing/Decision Process

1. The Title IX Coordinator will assign a hearings officer to review the report. The hearings officer will be the Director of Student and Campus Life if the incident(s) only involve students or the Director of Human Resources if the incident(s) involve an employee.
2. Upon review of the final investigator report, the hearing officer shall determine if a hearing is warranted. If no, the report will be dismissed and reporting party and responding parties notified.
3. If the hearing is warranted, the responding party will be notified of the hearing date, time, and location/modality.
4. Record of Hearing: All hearings will be recorded either by an audio or video transcript.
5. The investigator will be available throughout the hearing to answer any questions or provide clarification of information provided by reporting party or responding party.
6. The hearings officer will ask additional questions as needed.
7. The hearing will conclude.
8. The hearings officer will provide written notification of their decision to the reporting party, responding party, and advisors/supporting parties within ten business days of the hearing. This notice will include the finding of responsible or not responsible, rationale for the decision, any sanctions or remedies, options for appealing the decision, and a statement of non-retaliation (G-28-5).

Appeals Process

The reporting party or responding party may appeal the decision under the following circumstances:

- Violation of the process detailed in this section;
- In light of new evidence not reasonably available at time of investigation;
- Evidence of bias on part of the hearings officer; or
- Evidence of conflict of interest of the hearings officer (see G-28-6 for "Conflict of Interest" definition)

The appeal must be filed within five business days of the hearings to the hearings officer.

Request for appeal involving only students will be reviewed by the Chief Information and Human Resources Officer (CIHRO); in the absence of the CIHRO, the CIHRO will designate an alternate. The request for an appeal will be denied if any one of the above conditions are not met or if it not filed within five business days. If an appeal is warranted, the VPSA will review the decision, investigator report, and evidence. The VPSA will notify all parties of their decision within ten business days unless extenuating circumstances exist. The VPSA's decision is final.

Request for an appeal involving employees will be reviewed by the Chief Information and Human Resources Officer (CIHRO); in the absence of the CIHRO, the Title IX Coordinator will designate an alternate. The request for an appeal will be denied if any one of the above conditions are not met or if it not filed within five business days. If an appeal is warranted, the CIHRO will review the decision, investigative report, and any evidence. The CIHRO will notify all parties of their decision within ten business days unless extenuating circumstances exist. The CIHRO's decision is final.

Human Resources Procedures

HR-2-0 Consensual Relationship

Should a College employee enter into a consensual relationship with a student or another employee with whom they have an academic or evaluative relationship, the relationship must be disclosed to their supervisor and the appropriate President's Advisory Team member, one of which will then notify the Director of Human Resources. The College will take the necessary actions to mitigate the impact of the relationship on student(s) and/or employee(s). These actions may include, but are not limited to; workload reduction (with commensurate reduction in pay), and/or reassignment, and/or dismissal if judged to undermine the real or perceived integrity of the supervision provided and the particular trust inherent in the student/faculty or supervisory/subordinate relationship, including impacts on students/employees not involved in the relationship. Failure to disclose the relationship may result in immediate suspension and disciplinary action including dismissal.

Specific prohibitions, include, but are not limited to:

- An employee shall not exercise academic responsibility (instructional, evaluative or supervisory) for any student with whom the employee has a consensual relationship.
- An employee shall not conduct performance evaluations, or make salary decisions, decisions regarding promotion and tenure, or decisions on continuation of employment for a person with whom they have a consensual relationship.
- Consensual relationships are prohibited when effective arrangements to remove the conflict and mitigate adverse effects cannot be made.

The Director of Human Resources is responsible for the implementation, monitoring and execution of the Consensual Relationships Policy. Nothing in the policy precludes any person from filing a formal grievance in accordance with applicable collective bargaining agreements or

with the Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC).