

**SEXUAL HARASSMENT, SEXUAL ASSAULT, DOMESTIC and DATING VIOLENCE,
AND STALKING PROCEDURES**

TABLE OF CONTENTS

Introduction	2
Filing a Report	2
Title IX - Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking Procedures	
Filing a Complaint	3
Dismissal of Complaint	3
Process Counseling	3
Amnesty Clause	4
Standard of Evidence	4
Responding Party and Presumption of Innocence	4
Consolidation of Complaints	4
Advisor of Choice	4
Range of Potential Sanctions and Remedies	5
Informal Investigation, Decision, and Appeal	5
COCC's Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking Procedures	
Filing a Complaint	11
Dismissal of Report	11
Process Counseling	11
Amnesty Clause	12
Standard of Evidence	12
Responding Party and Presumption of Innocence	12
Consolidation of Reports	12
Supporting Parties	12
Informal Investigation, Decision, and Appeal	13
Formal Investigation, Decision, and Appeal	13

Introduction

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. With this, COCC aims to provide at atmosphere free from sexual harassment, sexual assault, domestic or dating violence and stalking..

Information in this document includes procedures for how to file a report and the procedures used to investigate a report of sexual harassment, sexual assault, domestic or dating violence, and stalking.

Note that this document includes information referring to COCC's General Policies and Procedures Manuals. Those sections will be updated shortly; in the meantime, concerned parties should use this document for policy and procedure details.

Filing a Report

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 the 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.

These individuals can also provide 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 sexual harassment, sexual assault, domestic violence, dating violence, and stalking.	Alicia Moore Vice President of Student Affairs (VPSA)/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 apdavis@cocc.edu or 541.383.7591
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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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 is 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 is 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.

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 the 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.

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 hearing 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.

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 effect on a reasonable person. This includes sexual assault, domestic violence, dating violence, and stalking (see G-28-0-2 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.

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.

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 VPSA/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.

Process Counseling

Upon receipt of the complaint, the College's VPSA/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.

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.

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.

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.

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.

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.

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.

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 VPSA/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 VPSA/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 hearings officer will ask additional questions as needed.
6. The hearing will conclude.
7. 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).

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).

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.