

TITLE

Student Code for Procedure for Addressing Alleged Acts of Sexual Violence and Sexual Harassment

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BASED ON POLICY NUMBER AND TITLE:

MTC Policy 5.1

Student Grievance and Academic Appeals

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AUTHORIZATION

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AUTHORITY

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I. Procedural Overview

Midlands Technical College and The South Carolina Technical College System do not discriminate on the basis of race, sex, sexual orientation, national origin, ethnic origin, color, age, religion, disability, genetic information, gender, gender identity, military service, pregnancy, childbirth, or related medical conditions including but not limited to lactation, or any other category protected by applicable law in educational programs and activities as required by Title IX. Any questions regarding Title IX may be referred to the Chief Compliance Officer/Title IX Coordinator or to the Office of Civil Rights.

The Student Code for Midlands Technical College sets forth the rights and responsibilities of the individual student; identifies behaviors that are not consistent with the values of college communities; and describes the procedures that will be followed to adjudicate cases of alleged misconduct. This Code applies to behavior or complaints alleging acts of sexual violence or sexual harassment that occur on college property and at college-sponsored activities and events, as well as off-campus behavior that adversely affects the college and/or the college community. The Code applies to students from the time of applying for admission through the awarding of a degree, diploma, or certificate. This procedure will be followed to adjudicate alleged acts of sexual violence and sexual harassment as defined in Section II, AA and BB.

Any student or any other member of the college community who believes that a student is or has been a victim of sexual harassment or sexual assault may file a report with the college's Vice President for Student Development Services or designee, campus police, or the college's Chief Compliance Officer. The Chief Compliance Officer's office location, email address, and phone number are printed in the college's catalog, the student handbook, and appear on the college's website. Students may also contact any Responsible Employee, who has an obligation to report any claim of sexual harassment or sexual assault to the Chief Compliance Officer, or designee.

The Chief Compliance Officer, or designee, will work with the student who filed a complaint ("Complainant") under this policy to mitigate, to the extent reasonably possible, the likelihood of additional injury during the

pendency of the investigation and proceedings. After a complaint has been filed alleging a sex offense covered under this regulation, the Chief Compliance Officer/Title IX Coordinator, or designee, will also accommodate Complainants' reasonable requests to change academic schedules, and/or housing assignments, or to make other reasonable accommodations.

Reports may also be filed by any other member of the college community at any time. The Complainant may also file a criminal report regarding the alleged conduct. College investigations are separate from criminal investigations. However, colleges may need to temporarily delay the fact-finding portion of a college investigation while law enforcement gathers evidence. During this delay, colleges will take interim measures to protect the complainant in the educational setting. Additionally, all parties involved will receive updates of the status of the investigation and receive notification once the college resumes its investigation. Midlands Technical College encourages the prompt reporting of sexual misconduct to campus law enforcement and local law enforcement. Information regarding law enforcement reporting procedures is available on the colleges' websites.

Due to the seriousness of these issues, the college will provide educational programs to promote the prevention and awareness of rape, acquaintance rape, sexual violence, and other forcible and non-forcible sex offenses, as well as sexual harassment awareness programs.

II. Definitions

The following terms have the outlined definitions when used in this document, unless the context requires other meaning,

A. ACTUAL KNOWLEDGE

Notice of sexual harassment or allegations of sexual harassment to MTC's Title IX Coordinator or any official of MTC who has authority to institute corrective measures on behalf of MTC.

B. ADVISOR

Someone chosen by, or appointed by MTC for, the Complainant or Respondent to help understand the proceedings and to conduct cross-examination on behalf of the party during a live hearing.

C. APPEALS OFFICER

A person designated by MTC to hear an appeal of a dismissal of a Formal Complaint or a Decision-maker determination.

D. APPROVED METHOD OF NOTIFICATION

Any communication from MTC personnel through a communication channel to which the student has consented or which confirms receipts of the communication by the student, such as a hand-delivered letter, restricted mail delivery services, or email. A student who communicates with MTC via email or otherwise provides an email address in connection with communications relating to a grievance thereby consents to the service of documents and all other correspondence associated with the grievance by email, and the date and time of such email(s) shall be deemed the date and time of service.

E. CHIEF STUDENT SERVICES OFFICER

The Administrative Officer at MTC who has overall management responsibility for student services, or his/her designee.

F. CLOSE OF BUSINESS

Any time that the administrative offices of MTC close on that specific workday.

G. COMPLAINANT

An individual who is alleged to be the victim of conduct that could constitute harassment or discrimination.

H. CONSENT

Clear, knowing, and voluntary agreement. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts.

I. DATING VIOLENCE

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on the consideration of following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship

J. DECISION-MAKER

Someone (who cannot be the same person as the Title IX Coordinator or the investigator) who issues a written determination with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the Respondent, and whether remedies will be provided to the Complainant.

K. DOMESTIC VIOLENCE

Felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

L. EDUCATION PROGRAM OR ACTIVITY

Locations, events, or circumstances within the United States where MTC exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building within the United States owned or controlled by a student organization that is officially recognized by MTC

M. EXCULPATORY EVIDENCE

Evidence that creates a reasonable doubt that a Respondent engaged in the conduct alleged in a complaint.

N. FONDLING

The touching of the private parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because his/her temporary or permanent mental incapacity.

O. FORMAL COMPLAINT

A document filed by a Complainant with Title IX Coordinator or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting MTC investigate the allegation(s). A report of

behavior to the Title IX Coordinator or other MTC official does not constitute a Formal Complaint.

P. INCEST

Sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law (see S.C. Code § Ann. 16-15-20)

Q. INCULPATORY EVIDENCE

Preponderance of Evidence is the standard used to evaluate the evidence for purposes of making findings and drawing conclusions for an investigation conducted under this regulation.

R. INSTRUCTIONAL DAYS

Any weekday (M-F) in which classes are in session.

S. INSTRUCTOR

Any person employed by MTC to conduct classes.

T. INVESTIGATOR

The person or persons charged by MTC who acts as a neutral party in the investigation and provides a detailed, unbiased report regarding the findings of the investigation.

U. OFFICIAL WITH AUTHORITY (OWA)

An official of MTC with authority to institute corrective measures. Officials with authority are those personnel designated by MTC who would be considered to have actual knowledge upon receiving notice of alleged sexual harassment.

V. PREPONDERANCE OF EVIDENCE

The standard used to evaluate the evidence for purposes of making findings and drawing conclusions for an investigation or hearing conducted under this Policy. The preponderance of evidence standard means it is more likely than not that the alleged conduct occurred.

W. RAPE

Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of that person.

X. REPORT

Notice from a Complainant of alleged sexual harassment, other than a Formal Complaint, made to the Title IX Coordinator or an Official with Authority.

Y. RESPONDENT

An individual who has been reported to be the perpetrator of conduct that could constitute harassment.

Z. RETALIATION

Adverse action taken against an individual for engaging in protected activity. Neither MTC nor other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of

interfering with any right or privilege secured by 34 C.F.R. Part 106 (Title IX), or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

AA. SEXUAL ASSAULT

Rape, fondling, incest, and statutory rape as defined herein.

BB. SEXUAL HARASSMENT

Conduct on the basis of sex that satisfies one or more of the following: (1) An employee of MTC conditioning the provision of an aid, benefit, or service of MTC on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo); (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to MTC's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined herein.

CC. STAFF

Any person employed by MTC for reasons other than conducting classes.

DD. STALKING

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. For the purposes of this definition: "Course of conduct" means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property; "reasonable person" means a person of ordinary prudence and action under the circumstances in which the course of conduct occurs; and "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

EE. STATUTORY RAPE

Sexual intercourse with a person who is under the statutory age of consent (see S.C. Code Ann. § 16-3-655)

FF. STUDENT

An individual currently enrolled in a program and/or registered for the current or upcoming academic term at MTC.

GG. SUPPORTIVE MEASURES

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

HH. A "THIRD-PARTY REPORTER"

An individual who files a complaint on behalf of another individual alleging violation of this policy.

II. TITLE IX

Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

JJ. TITLE IX COORDINATOR

An employee designated by MTC to coordinate its efforts to comply with and ensure compliance with Title IX and MTC’s Title IX program, including any investigation of any complaint communicated to the college alleging noncompliance with Title IX or alleging any actions which would be prohibited by Title IX.

III. Receipt of Reports and Formal Complaints

A. Reports

A report of alleged sexual harassment to a Title IX coordinator or any official of the college who has authority constitutes actual knowledge. The college must maintain a list of college personnel who are considered officials with authority to institute corrective measures and may name additional responsible employees who must report sexual harassment to the Title IX coordinator. An official with authority who receives a report of alleged sexual harassment must promptly notify the Title IX coordinator of the report. A report is not considered to be a formal complaint but initiates the offering of supportive measures.

B. Formal Complaints

A Title IX coordinator may receive a formal complaint alleging sexual harassment by phone, mail, email, or any other approved method of notification. Receipt of a formal complaint must be acknowledged in writing by the Title IX coordinator to the complainant within three (3) instructional days of submission of the complaint. Formal complaints may be initiated by a complainant or the Title IX coordinator. Upon determining a formal complaint meets the elements set forth in Section I of this Procedure, the college’s sexual harassment grievance process is initiated.

IV. Supportive Measures

Upon receiving or being made aware of a report alleging sexual harassment, regardless of whether a formal complaint has been filed, the Title IX coordinator must provide supportive measures to both the complainant and the respondent. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures and must consider a complainant’s wishes with respect to measures provided. Measures provided shall be kept confidential unless disclosure is necessary to provide the measures, such as in the case of a no-contact order. Such measures should restore or preserve equal access to the education program or activity without unreasonably burdening the other party. Interim suspension or expulsion of a respondent is not included in the list of supportive measures. Emergency removal of a respondent from an educational program or activity is allowable only after conducting a safety and risk analysis and determining there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment that justifies removal. The respondent must be provided with notice of the removal and an opportunity to challenge the decision immediately following the removal. Such a challenge must be made to the Title IX coordinator in writing through an approved method of notification within two instructional days of the removal and include a rationale for why the emergency removal should be rescinded. A respondent may not be subject to an emergency removal without full and appropriate consideration of applicable disability laws, such as Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, in order to preserve equal education access.

V. Sexual Harassment Grievance Process

The sexual harassment grievance process must include reasonably prompt time frames determined by the college and written into policy for conclusion of the grievance process (from the filing of a formal complaint to the written determination by the decision-maker), informal resolutions, and appeals. The college's policy must also include an explanation and examples of time extensions beyond the published policy, and such extensions must be temporary and justified by good cause.

A. Dismissal of a Formal Complaint

The college must dismiss formal complaints alleging sexual harassment if the conduct in the alleged complaint does not meet the definition of sexual harassment as contained herein; if the conduct did not occur in the college's education program or activity; or if the conduct did not occur against a person in the United States. However, the complaint may be investigated under the Student Code for the South Carolina Technical College System (SBTCE Procedure 3-2-106.1) if it violates a college's student code of conduct.

A college may dismiss a formal complaint under this Procedure if, at any time, a complainant notifies the Title IX coordinator that the he or she wishes to withdraw the complaint; if the respondent is no longer enrolled at the college; or if specific circumstances prevent the college from gathering evidence sufficient to reach a determination. If a formal complaint is dismissed, written notice containing reason(s) for the dismissal must be made by an approved method of notification and provided to both parties. Dismissal of a formal complaint can be appealed.

B. Notice of Allegations

Upon receiving a formal complaint alleging sexual harassment, written notice of the allegation(s) ("Notice of Allegations") must be provided within seven instructional days to both the complainant and the respondent. The written notice must be made by an approved method of notification and include:

1. The identities of the parties involved in the incident.
2. The conduct allegedly constituting sexual harassment.
3. The date and location of the alleged incident.
4. Notice of the college's sexual harassment grievance process, to include information regarding its informal resolution process, if available.
5. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made upon conclusion of the grievance process.
6. Notice as to whether the college's code of conduct prohibits knowingly making or submitting false information during the grievance process, and;
7. Notice that the parties may have an advisor of their choice.

Such notice of allegations must be provided at least three instructional days prior to any initial interviews or meetings to allow the respondent sufficient time to respond to the allegations. Notice of additional allegations added after the initial notice must also be provided in writing through an approved method of notification.

C. Advisors

Both the complainant and respondent may have an advisor of their choosing to be present during meetings with college officials (such as the Title IX coordinator or investigator), interviews, and review of materials related to the complaint. Both the complainant and respondent may have an advisor present at the hearing whose sole purpose is to conduct cross-examination on behalf of the party. A party who does not bring an advisor of their choosing to the hearing shall be assigned an advisor by the college. In the event that neither a party nor their advisor appears at the hearing, the college must provide an advisor to appear on behalf of the non-appearing party. An assigned advisor may or may not be an employee of the college.

D. Investigation

1. Investigative Process

Upon receipt of a formal complaint of allegations of sexual harassment, the college must initiate an investigation led by an impartial investigator whose purpose is to collect and summarize evidence. The person(s) investigating may not also serve as the Title IX coordinator or decision-maker. The college must ensure that the burden of proof and burden of gathering evidence sufficient to reach a determination lies on the college and not the parties involved. Parties must receive equal opportunity to present witnesses and evidence. Such evidence must be submitted to the investigator within ten (10) instructional days upon receipt of the Notice of Allegations. Written notice must be provided to a party when the party's participation in a meeting with the investigator is invited or expected. The notice must include the date, time, and location of the meeting; the expected participants; the meeting's purpose; and must allow up to three instructional days, although this period may be shortened if mutually agreed upon by the parties. Investigators may record interviews with parties and witnesses. Such recordings may be included in the investigative report if relevant, either by transcription with irrelevant information redacted or by recording with irrelevant audio removed.

The investigative process should be completed within approximately thirty (30) to forty-five (45) instructional days from receipt of the formal complaint. Circumstances may warrant additional time to complete the investigative process.

2. Review of Evidence

Before an investigator issues a report, both parties must be allowed at least ten (10) related to the allegations raised in the formal complaint and (2) submit a written response to the evidence. Investigators may but are not required to share such responses to the other party. Should the college discover additional evidence resulting from further investigation prompted by a party's initial response to evidence, the required time of ten instructional days must again be provided for a party to review and respond to the evidence. Notification of any such additional evidence for review shall be made to the parties in writing by an approved method of notification. Upon conclusion of the investigation, the investigator shall generate a written report within seven instructional days unless this time period is extended for an additional five instructional days upon written notice to the parties with an explanation for the extension. Privileged information will not be provided, and treatment records of a party may only be provided to the other party with written consent.

3. Investigative Report

The investigator(s) must create a report that fairly summarizes all relevant inculpatory and exculpatory evidence and distribute the report to the parties and their advisors at least ten instructional days prior to the scheduled hearing. The investigative report should include a description of procedural steps taken during the investigation and a summary of evidence. Only evidence relevant to the allegations of sexual harassment shall be included in the investigative report. Prior sexual history is not deemed relevant (1) unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or (2) if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Parties may provide written responses to the investigative report, which shall be provided to the decision-maker at least one instructional day in advance of the hearing.

E. Hearings

The college's sexual harassment grievance process must provide for a live hearing with cross-examination of parties and witnesses. The parties may bring an advisor of their choice to conduct the cross-examination. Should a party not have an advisor, the college must provide an advisor at no cost. Parties must be notified of a scheduled hearing at least ten instructional days prior to the hearing through an approved method of

notification that shall include the date, time, and location of the hearing.

At the live hearing, advisors of the parties shall cross-examine parties and witnesses who have provided information relevant to the complaint or response thereto. The decision-maker does not have to allow witnesses who are solely character witnesses. The decision-maker must allow the advisor for each party to ask the other party and any witnesses' relevant questions and follow-up questions. Such cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice and may occur with the parties in separate rooms using technology that enables participants to simultaneously see and hear the person answering questions. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a question while under cross-examination or otherwise, the decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions for cross-examination may be presented in advance to the decision-maker so that relevancy may be determined prior to the hearing. However, providing cross-examination questions in advance does not preclude the advisor(s) from asking additional questions not provided in advance to the decision-maker.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

At the request of either party, the college must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the party or the witness answering questions. An audio or visual recording or a transcript of the hearing must be created and made available for review and inspection.

F. Determinations

Determinations must be made using the Preponderance of the Evidence standard. Determinations may be made at the conclusion of the live hearing or within three instructional days of the live hearing's conclusion and shall be provided in writing by an approved method of notification simultaneously to both parties. A written determination shall include:

1. Identification of the allegation(s) of sexual harassment.
2. A description of the process of investigation, from receipt of the complaint through the determination, to include any notifications to the parties, interviews, site visits, methods used to gather evidence, and hearings held.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of any of the college's policies to the facts;
5. A statement of, and rationale for, the determination regarding each allegation, to include:
 - a. Disciplinary sanctions for the respondent
 - b. Remedies provided to the complainant to restore the complainant's equal access to the college's education program or activity; and
6. Information regarding the opportunity to appeal the determination.

A determination is considered final either on the date that the college provides the parties with the

written determination or upon expiration of the option to file an appeal.

G. Appeals

Both parties must be afforded the opportunity to appeal dismissal of a formal complaint as well as a final determination on the following grounds:

1. A procedural irregularity affecting the outcome.
2. New evidence not available at the time of the determination that could affect the outcome;
or
3. Conflict of interest or bias on the part of the Title IX coordinator, investigator(s), or decision-maker which affected the outcome.

If a party wishes to appeal, an appeal must be made within ten instructional days of dismissal of a formal complaint or delivery of a written determination. If a party files an appeal, the other party must be notified by an approved method of notification. A party wishing to appeal must do so by submitting an appeal in writing to the Title IX coordinator, who will assign review of the appeal to an appeals officer within three instructional days of receipt. The appeal must include a statement indicating why the appealing party disagrees with dismissal of the complaint or the determination and specify on which ground(s) the appeal is being made. The college must ensure that the appeals officer is not the Title IX coordinator, investigator(s), or decision-maker who reached the original determination. A decision by an appeals officer must be rendered within three instructional days of receipt by the appeals officer and provided in writing to both parties simultaneously through an approved method of notification. Should an extension be necessary, the appeals officer may provide the parties with written notice extending determination of the appeal for five instructional days with an explanation for the extension. The results of an appeal and the rationale for the determination must be provided in writing simultaneously to both parties.

VI. Informal Resolution

Upon receipt of a formal complaint, the college may choose to introduce the option of a voluntary informal resolution process. Informal resolution may include a range of conflict resolution strategies to include arbitration, mediation, or restorative justice. Informal resolution is a voluntary process that must be agreed upon in writing by both parties, and the documented agreement must notify the parties of their right to withdraw at any time from the informal resolution process. The college may not offer or facilitate an informal resolution process to resolve complaints of sexual harassment where the complainant is a student and the respondent is an employee. The informal resolution process may result in sanctions for a respondent.

The college may not, under any circumstance, require a party to waive the right to an investigation and adjudication of formal complaints under Title IX. Similarly, the college may not require the parties to participate in the informal resolution of a formal complaint or offer an informal resolution process unless a formal complaint is filed.

Informal resolution, which does not involve a full investigation and adjudication, may be offered at any time prior to reaching a final determination as long as:

- A. The college do not require informal resolution participation as a condition of enrollment or continuing enrollment or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section; and
- B. The parties receive a written notice that includes the following:
 1. The allegations.

2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations:
3. That at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.
4. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
5. Signature blocks for the parties' voluntary, written consent to the informal resolution process.

The complainant and respondent both have the right to terminate the informal resolution process at any time and proceed with the formal grievance process. Furthermore, the Title IX coordinator or designee may, where appropriate, terminate or decline to initiate informal resolution and proceed with formal resolution instead. In such cases, statements or disclosures made by the parties in the course of the informal resolution process may be considered in any subsequent formal proceedings.

VII. Sanctions

Following an investigation by the Chief Compliance Officer, or designee, and/or hearing before the Hearing Committee the following sanctions may be imposed, if the available information indicates that a violation has occurred:

- A. Reprimand – A written warning documenting that the student violated a student conduct procedure and indicating that subsequent violations could result in more serious disciplinary sanctions.
- B. Special Conditions – Completion of a variety of educational activities, relating to the nature of the offense may be imposed. Examples include, but are not limited to, the following; a formal apology, an essay or paper on a designated topic, or participation in a special project or activity.
- C. Disciplinary Probation – A written reprimand documenting that the student violated the student conduct procedure. Probation is for a designated period of time and it serves as a warning that subsequent violations could most likely result in more serious disciplinary sanctions.
- D. Loss of Privileges – Suspension or termination of particular student privileges.
- E. Suspension from the College – Separation from the college for a specified period of time. Suspended students will not receive academic credit for the semester in which the suspension is imposed. During the suspension period, the student may not return to campus unless permission by the Vice President for Student Development Services, or designee, has been granted.
- F. Expulsion from the College – Permanent separation from the college. An expelled student may not return to the campus unless prior permission by the Chief Student Services Officer, or designee, has been granted. An expelled student will not receive academic credit for the semester in which the expulsion was imposed.
- G. Additional Measures – Minimizing contact between Complainant and Respondent. This sanction may include but is not limited to: change in academic and extracurricular activities, living arrangements, transportation, dining, and college-related work assignments, as appropriate.
- H. Any combination of the above.

VIII. Recordkeeping

A college must maintain for seven years from the initial report or formal complaint of sexual harassment, records of:

- A. Any sexual harassment investigation, including any final determination thereof, any required recording or transcript, any sanctions imposed on the respondent, and any remedies provided to the complainant.
- B. Any appeal and its result.
- C. Any informal resolution and its result.
- D. Records of any action, including any supportive measures, taken in response to an informal or formal complaint of sexual harassment.

The college must also maintain for a period of seven years all materials used to train Title IX coordinators, investigators, decision-makers, and those who conduct the informal resolution process with regard to sexual harassment. This requirement applies only to complaints (informal or formal) received on or after August 14, 2020.

IX. Confidentiality and Privacy

The college must keep confidential the identity of complainants, respondents, third-party reporters and witnesses involved in the grievance process, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding. The college must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the college to provide the supportive measures. If a formal complaint is made to a Title IX coordinator, confidentiality of the complainant may not be maintained. However, both parties and their advisors may be required to sign non-disclosure or privacy notices requesting that information shared as part of the sexual harassment grievance process not be disclosed.

X. Amnesty for Drug and Alcohol Possession and Consumption Violations

Students are encouraged to report instances of sex-based discrimination, sexual harassment, or sexual assault. Therefore, students who report information about sex-based discrimination, sexual harassment, or sexual assault will not be disciplined by the college for any violation of the college's drug or alcohol possession or consumption policies in which they might have engaged in connection with making the report.