

Code: **JBA/GBN-AR(1)**

Adopted: 10/20/20

Title IX

Title IX is a federal civil rights law that protects students and employees from sex-based discrimination and sex-based harassment in education programs or activities.

 Title IX defines sex-based discrimination as discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity

Title IX further defines sex-based harassment as a form of sex discrimination and sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, parental, family, or marital status, pregnancy or related conditions, sexual orientation, and gender identity, that is quid pro quo harassment, hostile environment harassment, or the specific offenses of sexual assault, dating violence, domestic violence, and stalking.

All unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from CCC’s education programs or activities..

The Student CARE Team and Human Resources are responsible for coordinating inquiries and investigations of alleged Title IX violations. General procedures for reporting and investigation into allegations of Title IX violations are outlined below.

**Reporting Title IX violations**To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to [include link to location(s) on website or otherwise describe location(s)].

 Any non-confidential employee at the college who either has authority to take corrective action on behalf of the college or has responsibility for administrative leadership, teaching, or advising in CCC’s education program or activity is obligated to notify the Title IX Coordinator of conduct that reasonably may constitute sex discrimination

All other CCC employees are obligated to either notify the Title IX Coordinator or provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex discrimination to any person who provides the employee with information about conduct that reasonably may constitute sex discrimination.

Inquiries or investigations of reported Title IX violations involving students and only students will be coordinated by the Title IX Coordinator(s) for students and the Student CARE Team.

Inquiries or investigations of reported Title IX violations involving employees, vendors or other individuals will be coordinated by the Title IX Coordinator(s) in Human Resources.

All parties participating in the Title IX process or investigation are prohibited to engage in retaliation.

* Contact information for the Student CARE Team and Human Resources can be found below:The Title IX Team, titleix@clackamas.edu
* Human Resources, hr@clackamas.edu, 503-594-3300
* Chief Human Resources Officer, Room B 204, 503-594-3458
* Director of Human Resources, Room B 204, 503-594-3087
* Title IX Coordinator for Students, Room CC 153, 503-594-3030

Reports, information or rumors of Title IX violations involving the Title IX Coordinator(s) must be reported to the President.

Reports, information or rumors of Title IX violations involving the President must be submitted to the Board chair.

# Inquiries and Investigations of Title IX Violations

The Title IX coordinator receiving the report of alleged Title IX violations will promptly initiate an inquiry and/or investigation. The inquiry and/or investigation will be conducted in accordance with state and federal laws.

**Procedure Overview**

When a formal written complaint of sex-based discrimination is reported by an individual(s), the Title IX Coordinator(s) will complete an initial inquiry to determine if the allegations meet the requirements of Title IX. If the allegations do not meet the Title IX requirements, the formal Title IX complaint must be dismissed. However, the College may still choose to investigate the sex-based discrimination and/or misconduct. The dismissal of the Title IX complaint may be appealed following the appeal procedures below.

For purposes of this process, the complainant is the individual(s) filing the report of a Title IX violation. The respondent is the individual(s) alleged to have been involved in an incident of prohibited conduct under Title IX.

If it is determined that the allegations meet the requirements of Title IX, and if the complainant wishes to proceed with a formal investigation or the allegations involve an employee, an investigator will be assigned. The complainant and respondent will receive written notification of the allegations and investigation. The written notice will also include the following information:

* Clackamas Community College’s Title IX grievance procedures and any informal resolution process
* Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
* Retaliation is prohibited;This should be moved or changed. Refer to page 16 of resource for drafting
* Both parties may have an advisor of their choice who may be, but is not required to be, an attorney;
* The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. [If CCC provides a description of the evidence: the parties are entitled to equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.]
* CCC prohibits knowingly making false statements or knowingly submitting false information during the grievance process and procedures. Such behaviors shall be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

CCC will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise preparing for or participainge in the grievance process.. . The parties cannot engage in retaliation, including against witnesses.

# Timeframes

Clackamas Community College has established the following timeframes for the major stages of the grievance procedures:

Following the initial investigation, a draft report will be provided to both parties. Both parties will have at least ten (10) calendar days to provide a response. Any responses received will be reviewed and incorporated, as appropriate, into the final investigation report. All parties will have the opportunity to review the final investigation report.

At least ten (10) calendar days following the final investigation report, all parties will participate in a live hearing conducted by the hearing officer(s). During the live hearing, the hearing officer(s) will review the final investigation report and ask questions of the parties.Following the hearing, the hearing officer(s) will determine if the respondent is responsible or not responsible for the sex-based discrimination and/or misconduct and if there has been a policy violation. If the respondent is a student and found responsible, the hearing officer(s) will impose appropriate sanctions to eliminate the occurrence of the violation, prevent its reoccurrence, and remediate its effects, in accordance with the student code. If the respondent is an employee and found responsible they will be subject to discipline, up to and including dismissal, in accordance with the applicable employee handbook and/or bargaining agreement.

Investigation timelines may vary with the complexity of the case but should be completed within 60 days of receiving the complaint (unless extraneous circumstances are present, such as a police investigation or academic break).

Timelines may be extended based upon mutual consent of both parties in writing.**.**

# Appealing the Dismissal of a Formal Title IX Complaint or Determination of Responsibility

If a complainant and/or respondent is not satisfied with the dismissal of the formal Title IX complaint, or the determination of responsibility by the respondent, they may submit a written appeal to the Dean of Academic Foundations and Connections or the Chief Human Resources Officer.

Appeals should be submitted within ten (10) calendar days of receipt of the findings. Meetings will be arranged with the affected parties as deemed necessary to discuss the appeal. A written response to the appeal will be provided to the individual filing the appeal.

If a complainant and/or respondent is not satisfied with the results of the initial appeal, they may submit an additional appeal to the President or the President’s designee. Appeals to the President should be submitted within ten (10) calendar days of receipt of the response to the initial appeal. Meetings will be arranged with the affected parties as deemed necessary to discuss the appeal. A written response will be provided to the individual filing the appeal.

# Documentation of Inquiries and Investigations

Documentation of inquiries or investigations of Title IX violations may become part of the student’s

education record or employee’s personnel file. Additionally, documentation of inquiries, investigations or findings of Title IX violations will be maintained as a confidential file in the student services office and/or human resources office in accordance with state and/or federal law.

# Additional Reporting Resources

Title IX violations may be reported, at any time, to the following state and/or federal agencies:

* U.S. Department of Labor
* Equal Employment Opportunity Commission
* Oregon Bureau of Labor and Industries
* U.S. Department of Education
* Office for Civil Rights
* Higher Education Coordinating Commission

For more information see on CCC’s Sex-Based Discrimination/Misconduct policy or additional information on the procedures see Sex-Based Discrimination/Misconduct GBN/JBA and Sex-Based Discrimination Reporting Procedure JBA/GBN-AR(2) .

Appendix: Definitions

*Complainant* means:

(1)A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or

(2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who

was participating or attempting to participate in the recipient’s education program or activity at the time of the alleged sex discrimination.

*Complaint* means an oral or written request to the recipient that objectively can be understood as

a request for the recipient to investigate and make a determination about alleged discrimination

under Title IX or its regulations.

*Confidential employee*. An employee of the college whose communications are privileged or confidential under Federal or State law. The employee’s confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies.

*Grievance Procedure* refers to the formal process for handling complaints of sex discrimination, which can include sexual harassment or violence

*Relevant* means related to the allegations of sex discrimination under investigation as part of

these grievance procedures. Questions are relevant when they seek evidence that may aid in

showing whether the alleged sex discrimination occurred, and evidence is relevant when it may

aid a decisionmaker in determining whether the alleged sex discrimination occurred.

*Remedies* means measures provided, as appropriate, to a complainant or any other person the

recipient identifies as having had their equal access to the recipient’s education program or

activity limited or denied by sex discrimination. These measures are provided to restore or

preserve that person’s access to the recipient’s education program or activity after a recipient

determines that sex discrimination occurred.

*Respondent* means a person who is alleged to have violated the recipient’s prohibition on sex

discrimination.

*Retaliation* means intimidation, threats, coercion, or discrimination against any person by the

recipient, a student, or an employee or other person authorized by the recipient to provide aid,

benefit, or service under the recipient’s education program or activity, for the purpose of

interfering with any right or privilege secured by Title IX or its regulations, or because the

person has reported information, made a complaint, testified, assisted, or participated or refused

to participate in any manner in an investigation, proceeding, or hearing under the Title IX

regulations.

*Sex-based harassment* is a form of sex discrimination and means sexual harassment and other

harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics,

pregnancy or related conditions, sexual orientation, and gender identity, that is:

 (1) Quid pro quo harassment. An employee, agent, or other person authorized by the

recipient to provide an aid, benefit, or service under the recipient’s education program or

activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service

on a person’s participation in unwelcome sexual conduct;

(2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the

totality of the circumstances, is subjectively and objectively offensive and is so severe or

pervasive that it limits or denies a person’s ability to participate in or benefit from the

recipient’s education program or activity (i.e., creates a hostile environment). Whether a

hostile environment has been created is a fact-specific inquiry that includes consideration of

the following:

(i) The degree to which the conduct affected the complainant’s ability to access the

recipient’s education program or activity;

(ii) The type, frequency, and duration of the conduct;

(iii) The parties’ ages, roles within the recipient’s education program or activity, previous

interactions, and other factors about each party that may be relevant to evaluating the

effects of the conduct;

(iv) The location of the conduct and the context in which the conduct occurred; and

(v) Other sex-based harassment in the recipient’s education program or activity; or

 (3) Specific offenses.

(i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense

under the uniform crime reporting system of the Federal Bureau of Investigation;

(ii) Dating violence meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with

the victim; and

(B) Where the existence of such a relationship shall be determined based on a

consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person

who:

(A) Is a current or former spouse or intimate partner of the victim under the family or

domestic violence laws of the jurisdiction of the recipient, or a person similarly

situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate

partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts

under the family or domestic violence laws of the jurisdiction; or

(iv) Stalking meaning engaging in a course of conduct directed at a specific person that

would cause a reasonable person to:

(A) Fear for the person’s safety or the safety of others; or

(B) Suffer substantial emotional distress.

*Supportive* measures means individualized measures offered as appropriate, as reasonably

available, without unreasonably burdening a complainant or respondent, not for punitive or

disciplinary reasons, and without fee or charge to the complainant or respondent to:

(1) Restore or preserve that party’s access to the recipient’s education program or activity,

including measures that are designed to protect the safety of the parties or the recipient’s

educational environment; or

(2) Provide support during the recipient’s grievance procedures or during an informal

resolution process.