

TITLE IX & GENDER OR SEX-BASED MISCONDUCT

TITLE IX

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

Title IX defines sex-based discrimination as incidents of sexual assault, domestic violence, stalking, as well as sexual harassment, when the harassment would be determined by a reasonable person to be so severe, pervasive and objectively offensive as to effectively deny a person's access to the College's education program or activity.

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

Reports, information or rumors of sex-based discrimination should be reported to a Title IX Coordinator. Designated responsible employees have an obligation to report rumors, information, or allegations of sex-based discrimination to a Title IX Coordinator as soon as possible upon becoming aware of the incident. All administrative employees are considered designated responsible employees. All other employees are encouraged to report such information to a Title IX Coordinator in order to provide resources and supportive measures to those impacted by such 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.

Contact information for the Student CARE Team and Human Resources can be found below:

- **The Title IX Team, titleix@clackamas.edu**
- **Student CARE Team, CARE@clackamas.edu, 503-594-3404**
- **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.

Process

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 information about a process advisor for both parties.

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. Each party is subject to cross-examination during the live hearing.

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 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.

Either party may appeal the decision of hearing officer(s) per the appeal process outlined in the appeals section below.

Timeframes

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.

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

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.