

**CROWDER COLLEGE**  
**TITLE IX SEXUAL HARASSMENT POLICY AND PROCEDURES**

**STATEMENT OF NONDISCRIMINATION POLICY**

Crowder College is committed to maintaining an environment that is free of discrimination on the basis of sex within its educational programs and activities. Crowder College cannot and will not tolerate discrimination against or harassment of any individual or group based upon race, sex, color, religion, ethnic or national origin, genetic information, age, disability, sexual orientation, gender identity, gender expression, veteran's status, or any factor that is a prohibited consideration under applicable law. The prohibition on sex discrimination, also prohibits Sexual Harassment, as defined in this policy.

The Nondiscrimination Policy applies to registered or enrolled students, College employees, contractors, vendors, visitors, guests, or other third parties.

**SCOPE OF TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS**

The Sexual Harassment Grievance Process pertains to Sexual Harassment under Title IX, as defined by this policy, committed by or against students and/or employees, when: (1) the conduct occurs on campus or other property owned or controlled by the College; or (2) the conduct occurs in the context of a College employment or education program or activity within the United States. The College's education program and activities includes locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which harassment occurs, and includes any building owned or controlled by a student organization that is officially recognized by the College.

All members of the Crowder College community have the right to submit a complaint or raise concerns regarding Sexual Harassment under Title IX pursuant to this Policy without fear of retaliation.

A complete copy of the College's Title IX Sexual Harassment Policy can be accessed via the following link: <https://www.crowder.edu/about-crowder/title-ix-resources/>. Hard copies are available in the Human Resources Office, Newton Hall Room 153, or Student Affairs Office, Newton Hall Room 110.

For complaints that do not fall under the scope of this process, complaints against students will be handled through student conduct policies, and complaints against employees will be handled under the applicable employment policies. The Student Handbook can be accessed via the following link: <https://www.crowder.edu/wp-content/uploads/2020/05/Student-Handbook.pdf> The Employee Handbook can be accessed via the college Intranet at S:/Employee Handbook or at: MyCrowder/Employee Home/Resources/Employee Handbook and Personnel Forms.

**DEFINITIONS**

*Sexual Harassment* – Sexual Harassment is conduct based on sex that may be one or more of following:

- 1) Employee conditioning provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (*i.e.*, a *quid pro quo*), or

- 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 the College's education program or activity; or
- 3) Sexual assault, stalking, dating/domestic violence, as defined herein.
  - Sexual Assault – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
    - Sexual Assault includes, but is not limited to, the following acts when they occur without consent of the victim:
      - Any penetration, however slight, of the genitals or anus of one person with the genitals of another person,
      - Any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person,
      - Any sexual act involving penetration, however slight, of the genitals or anus of one person by a finger, instrument, or object,
      - Touching of another person's genitals or breasts under or over the clothing,
      - Touching of one person with the genitals of another person under or over the clothing,
  - Domestic Violence – Domestic violence includes felony or misdemeanor crimes 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 the 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.
  - Stalking – Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress. A course of conduct is two or more incidents. Stalking includes "cyber-stalking," a particular form of stalking in which a person uses electronic media.
  - Dating Violence – Violence by a person who has been in a romantic or intimate relationship with the individual to whom the violence is directed. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

Complainant – A Complainant is any individual who is alleged to be the victim of conduct that could constitute sexual harassment under this Policy, in connection with his or her participation in or attempt to participate in an educational program or activity of the College. A Complainant may be a student, an employee, or a third party.

Respondent – A Respondent is an individual who is purported to be the perpetrator of conduct that could constitute sexual harassment. A Respondent need not be affiliated with the College in any respect.

Consent – Consent is the unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter with a specific individual. Consent must be informed, freely

given and mutual. Consent is clear, mutually understandable words or actions communicating an agreement to engage in specific sexual or intimate conduct.

A current or past dating or sexual relationship, by itself, does not create consent. Consent to sexual activity in the past does not create consent to future sexual activity. Consent to sexual activity with one person does not create consent to sexual activity with another person. Consent to one sexual activity does not create consent to another sexual activity. Consent can be withdrawn at any time during a sexual encounter.

Consent cannot be given as the result of force, coercion, intimidation, or threats. Consent cannot be given by one who is incapacitated, voluntarily or involuntarily, due to a physical condition, including, but not limited to, the use or influence of drugs or alcohol, or being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring. If there is any doubt as to another person's capacity to give consent, community members should assume that the other person does not have the capacity to give consent.

A person cannot consent if he or she is under the age of consent or if the person has a mental disability that impairs the individual's ability to provide consent.

### **TITLE IX COORDINATOR**

The Title IX Coordinators are charged with monitoring Crowder College's compliance with Title IX, ensuring appropriate education and training, coordinating investigations, responses, and resolution of all reports pursuant to this Policy. In their discretion, the Title IX Coordinators may also designate Deputy Title IX Coordinators to assist in the discharge of these duties.

Any questions or concerns regarding Crowder College's application of this policy may be addressed to the Title IX Coordinators.

The Title IX Coordinators may be reached in person during regular office hours, or by telephone, written correspondence, email, or other electronic communication at any other time.

#### **Title IX Coordinators**

All Title IX Coordinators are located on the Crowder College Neosho campus at 601 Laclede Ave, Neosho, MO 64850.

- Associate Vice President of Student Affairs - Jamie Ward  
Newton Hall Rm 110  
417.455.5636  
JamieWard@crowder.edu
- Director of Human Resources - Michelle Paul  
Newton Hall Rm 153  
417.455.5675  
MichellePaul@crowder.edu

## **HOW TO REPORT POTENTIAL VIOLATIONS OF THIS POLICY**

### 1. Reporting Options

#### *a. Report to the Title IX Coordinator*

Individuals who believe they have been subjected to, or are aware that another individual has been subjected to, Sexual Harassment in connection with a College education program or activity, and who wish to report a potential violation of this Policy should notify any of the following College contacts:

- Associate Vice President of Student Affairs - Jamie Ward  
Newton Hall Rm 110  
417.455.5636  
JamieWard@crowder.edu
- Director of Human Resources - Michelle Paul  
Newton Hall Rm 153  
417.455.5675  
MichellePaul@crowder.edu

Reports can be made through email, phone, in person, or by mail. Students and employees may report through the online form located at:

[https://cm.maxient.com/reportingform.php?CrowderCollege&layout\\_id=1](https://cm.maxient.com/reportingform.php?CrowderCollege&layout_id=1).

Upon receipt of any report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures and explain the process for filing a formal complaint. Generally, reports from students will be handled by the Associate Vice President of Student Affairs, and reports from employees will be handled by the Director of Human Resources.

While reports to the College counselor will remain confidential, all other employees are required to report information regarding illegal discrimination, harassment, sexual harassment, sexual assault, relationship violence, and stalking to the Title IX Coordinator.

Reporting Sexual Harassment to a Title IX Coordinator does not automatically start the grievance process – the Title IX Coordinator will explain to the Complainant how to start the grievance process by filing a Formal Complaint. An individual can make a report of Sexual Harassment in order to obtain supporting measures and resources – an individual making a report of Sexual Harassment is not required to file a Formal Complaint.

The College will make a reasonable effort to protect the privacy of all parties involved in the investigation except when disclosure is required by law or as necessary to carry out the purposes of this Policy; however, the College cannot guarantee that information reported to a Title IX Coordinator will remain confidential.

#### *b. Confidential Reporting*

Students may also make a confidential report to the College counselor. Counseling services are available at no cost to students, and the counselor can help students identify other campus and community resources.

- **Counseling Center**  
Ken Choi, Counselor  
Student Success Center, McDonald Hall Rm 115  
417.455.5609  
KenChoi@crowder.edu

All other employees are mandated to report the information regarding illegal discrimination, harassment, sexual harassment, sexual assault, relationship violence or stalking to the Title IX Coordinator and cannot keep reports confidential.

The College will keep confidential the identity of Complainants, Respondents, and witnesses involved in Title IX hearings, except when disclosure is required by law or as necessary to carry out the purposes of this Policy.

*c. Other Reporting Options and Resources*

The person making the sexual misconduct report has the right to choose when and if they wish to report it to the police. In an emergency, please call 911 for immediate assistance. Individuals may also report allegations of Sexual Harassment to the police by contacting the appropriate law enforcement for the jurisdiction. A list of law enforcement agencies and their contact information is provided below.

<b>Law Enforcement and Campus Safety/Security Contact Information</b>	
<b>Barry County Sheriff's Office:</b> 505 East Street, Cassville, MO 65625 <b>417.847.6556</b>	<b>Barton County Sheriff's Office:</b> 1010 Cherry Street, Lamar, MO 64759 <b>417.682.5541</b>
<b>Cassville Campus:</b> 4020 N Main St, Cassville, MO 65625 <b>417.847.1706</b>	<b>Cassville Police Department:</b> 302 Main St, Cassville, MO 65625 417.847.4700
<b>Cedar County Sheriff's Office:</b> 202 S High Street, Stockton, MO 65785 <b>417.276.5133</b>	<b>Dade County Sheriff's Office:</b> 201 E Water St, Greenfield, MO 65661 417.637.2312
<b>Jasper County Sheriff's Office:</b> 231 S. Main Street, Carthage, MO 64836 <b>417.358.8177</b>	<b>Joplin Police Department:</b> 303 E 3 <sup>rd</sup> Street, Joplin, MO 64801 417.623.3131
<b>Lawrence County Sheriff's Office:</b> 240 N Main Ste. 10, Mt. Vernon, MO 65712 <b>417.466.2131</b>	<b>McDonald County Campus:</b> 194 College Rd, Jane, MO 64856 417.266.6000
<b>McDonald County Sheriff's Office:</b> 300 E 7 <sup>th</sup> Street, Pineville, MO 64856 417.223.4319	<b>Neosho (Main) Campus:</b> 601 Laclede Avenue, Neosho MO 64850 417.455.5744, 417.456.0206
<b>Neosho Police Department:</b> 201 N College, Neosho, MO 64850	<b>Nevada Campus:</b> 600 W Edwards Pl, Nevada MO 64772

<b>417.451.8000</b>	<b>417.667.0518</b>
<b>Nevada Police Department:</b> 120 S Ash St, Nevada, MO 64773 <b>417.448.2710 ext. 102</b>	<b>Newton County Sheriff's Office:</b> 208 W. Coler Street, Neosho, MO 64850 <b>417.451.4242</b>
<b>Pineville Missouri Marshall:</b> 503 Main St, Pineville, MO 64856 <b>417.223.4369</b>	<b>Vernon County Sheriff's Office:</b> 2040 East Hunter, Nevada, MO 64772 <b>417.283.4400</b>
<b>Webb City Campus:</b> 600 Ellis St, Webb City, MO 64870 <b>417.673.2345</b>	<b>Webb City Police Department:</b> 200 S Main St, Webb City, MO 64870 <b>417.673.4651</b>

Individuals may report Sexual Harassment to Campus Security by contacting:

- Campus Security  
Student Center, Neosho Campus  
417.455.5744 or 417.456.0206  
[Security@crowder.edu](mailto:Security@crowder.edu)

For reports of Sexual Harassment in the residence halls, individuals may also contact:

- Campus Life  
Roughrider Village, Unit A14  
417.455.5644  
[CampusLife@crowder.edu](mailto:CampusLife@crowder.edu)

*d. Amnesty Policy*

In investigating and responding to complaints of Sexual Harassment, the College's primary focus is to address the Sexual Harassment, and, in most cases, the College will grant amnesty to a Complainant or witness for other potential violations, such as alcohol violations. Such potential violations should not discourage a Complainant or bystander from notifying the College of incidents of Sexual Harassment.

2. Offer and Provision of Supportive Measures:

Upon receipt of a report, a Title IX Coordinator will promptly and confidentially reach out to the Complainant to discuss the availability of a variety of supportive measures. Generally, the Associate Vice President of Student Affairs will meet with student Complainant, and the Director of Human Resources will meet with employee Complainants. Supportive measures should also be offered to the Respondent as necessary and appropriate.

Supportive measures are designed to restore or preserve equal access to the College's education programs and activities, protect the safety of all parties and the educational environment, or deter Sexual Harassment. These supportive measures should be non-disciplinary, non-punitive, individualized, and provided free of charge. They must be offered regardless of whether a Formal Complaint is filed, and must be kept confidential to the extent that such confidentiality would not interfere with providing the supportive measures.

Examples of supportive measures include, but are not limited to:

- Provide an escort while on campus
- Issue a no contact order
- Modify class schedules
- Allow a student to withdraw from course and allow for course retake without penalty
- Monitor situation for retaliation or contact by Complainant or Respondent
- Refer to medical services
- Refer to counseling services
- Move resident to a different room or residence hall
- Provide tutoring and other academic and support services
- Modify work schedules and/or work locations
- And others, determined to be reasonable in light of known circumstances

### 3. Emergency Removal and Administrative Leave

The College reserves the right to remove a student Respondent from its educational program or activity on an emergency basis. Such a removal may only occur if, after an individualized safety and risk analysis, the College determines an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event a decision is made to remove a Respondent, he or she will be provided with notice by a Title IX Coordinator, and given the opportunity to challenge that decision immediately following the removal by submitting a request in writing to the Title IX Coordinator.

Likewise, a non-student employee Respondent may be placed on administrative leave during the pendency of the grievance process described in this Policy.

### **FILING A FORMAL COMPLAINT OF SEXUAL HARASSMENT**

In the event that a Complainant wishes for the College to proceed with an investigation and hearing into the allegations of Sexual Harassment pursuant to the grievance process procedures in this Policy, he or she must file a Formal Complaint. A Formal Complaint is a document alleging Sexual Harassment against a Respondent and requesting that the College investigate the allegation of Sexual Harassment. The Complainant must be participating in or attempting to access a College education program or activity at the time the Formal Complaint is submitted.

A Formal Complaint must be in written form, but it may be submitted in person, by mail, or by email. It must be signed by the Complainant but the required signature may be physical or digital. Generally, Formal Complaints from student Complainants will be assigned to the Associate Vice President for Student Affairs and Formal Complaints from employee Complainants will be assigned the Director of Human Resources. The assigned Title IX Coordinator will review the Formal Complaint and oversee the grievance process for that Formal Complaint.

A Title IX Coordinator may also initiate a Formal Complaint by signing it. The Title IX Coordinator may consider the specific facts and circumstances and whether there is a pattern of misconduct involving a particular Respondent. A Title IX Coordinator may only sign a Formal Complaint after he or she has contacted the Complainant and discussed supportive measures and the Formal Complaint process with the Complainant. The Title IX Coordinator must consider the Complainant's wishes for how the College responds to the report of Sexual Harassment. The Title IX Coordinator should balance campus safety concerns with respect for survivor autonomy.

The Title IX Coordinator may consolidate Formal Complaints where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where a Formal Complaint includes more than one Complainant or more than one Respondent, any references in this policy to a single Complainant and/or Respondent will also refer to multiple Complainants and/or Respondents.

### **DISMISSAL OF FORMAL COMPLAINT**

Upon receipt of a Formal Complaint, the assigned Title IX Coordinator will review the allegations set forth therein and determine whether the Complaint may proceed. Although the allegations may still be investigated and resolved pursuant to the Student Code of Conduct or Employee Handbook (as noted above), Formal Complaints of Sexual Harassment brought pursuant to this policy must be dismissed if:

1. The conduct alleged would not constitute Sexual Harassment as defined in this Policy;
2. The conduct did not occur in connection with a College education program or activity;
3. The conduct did not occur against a person in the United States.

Furthermore, the assigned Title IX Coordinator may, in his or her discretion, determine that even though it meets the basic threshold requirements to proceed, a particular Formal Complaint should be dismissed. Specifically, a Formal Complaint may be dismissed if:

1. Complainant notified Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations within;
2. Respondent is no longer enrolled or employed by the College;
3. Specific circumstances prevent the College from gathering evidence to reach a determination.

After an initial review of the Formal Complaint, the assigned Title IX Coordinator will continue to evaluate the Formal Complaint to determine if the above criteria for dismissal apply. Following any dismissal of a Formal Complaint, the assigned Title IX Coordinator will simultaneously send a written notice to the parties of the dismissal and the reasons for the dismissal. To the extent the behavior alleged in the Formal Complaint could constitute a violation of another College policy, it may be pursued under that policy. The Title IX Coordinator has the discretion to refer the allegations to the appropriate College official.

### **INFORMAL RESOLUTION**

After a Formal Complaint has been filed, if both Complainant and Respondent give voluntary, informed, written consent, the College will assist the parties in reaching an informal resolution to



the allegations of Sexual Harassment in the Formal Complaint. An informal resolution cannot be used for Formal Complaints that contain allegations that an employee sexually harassed a student.

### **PROHIBITION OF RETALIATION**

The College expressly prohibits retaliation against any individual for exercising their Title IX rights under this Policy. Retaliation is any adverse action taken against an individual because of the person's participation in a Title IX process. No individual may be discriminated against, intimidated, threatened, or coerced for the purpose of interfering with his or her Title IX rights, or because the individual has made a report pursuant to this Policy, testified, assisted, participated, or refused to participate in a Title IX investigation, proceeding, or hearing.

If an individual feels that he or she has been subject to retaliation pursuant to this Policy, he or she should notify a Title IX Coordinator as soon as possible.

### **SEXUAL HARASSMENT GRIEVANCE PROCESS PROCEDURES**

#### **General provisions**

If any party believes that the assigned Title IX Coordinator handling the process has a conflict of interest or bias for or against the individual parties and/or for or against Complainants or Respondents generally, that party should report their concern to the Vice President of Academic Affairs on the Neosho Campus in McDonald 124 or by phone at 417.455.5740, or other assigned College designee. If the Vice President of Academic Affairs, or other assigned College designee, finds that a conflict of interest or bias exists, the Vice President of Academic Affairs will designate another individual to serve as Title IX Coordinator for the purposes of the specific grievance process involving the parties.

The Respondent will be presumed not responsible for the policy violation that is alleged in the Formal Complaint unless and until the respondent is found responsible by the Hearing Officer at the conclusion of the grievance process.

The grievance process generally will be completed within 120 days. However, extensions to this time frame may be granted at the request of either party, or at the discretion of the Title IX Coordinator when good cause exists for the delay. Good cause may include considerations such as the absence of a party, a party's Advisor, or a witness; concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities. The Title IX Coordinator will notify all parties in writing of the delay, the length of the extension granted and the reason for the extension.

#### **Notice**

Within five (5) College business days of the receipt of a Formal Complaint, the Title IX Coordinator or designee will issue a written notice to the parties. The written notice should include, if known, the identity of the parties, the conduct alleged to be Sexual Harassment, and the date(s) and location(s) of the incident(s). The notice will also include a statement that the Respondent is presumed to be not responsible for any policy violations. The notice must also inform the parties that they have the right to an Advisor of their choice during the grievance

process, that they may inspect and review evidence gathered during the investigation, and that the student Code of Conduct and Employee Handbook prohibit false reporting, providing false information, and/or making false statements. The Student Handbook can be accessed via the following link: <https://www.crowder.edu/wp-content/uploads/2020/05/Student-Handbook.pdf> The Employee Handbook can be accessed via the college Intranet at S:/Employee Handbook or at: MyCrowder/Employee Home/Resources/Employee Handbook and Personnel Forms. If during the course of the investigation, additional allegations are going to be investigated that were not included in the original notice, the Title IX Coordinator or designee will issue a supplemental written notice to the parties.

Parties will also be provided with notice of all meetings, interviews, or hearings with sufficient time to prepare. Such notice will include the date, time, location, participants, and purpose of the meeting, interview, or hearing.

### **Advisors**

Each party has the right to select an Advisor of their choice, and for that Advisor to accompany the party to any part of the grievance process, including all meetings, interviews, and/or hearings. An advisor can be a friend, family member, faculty member, mentor, attorney, or any other person of the party's choice who is available and agrees to serve as Advisor. An advisor may not be a party, witness, or administrator involved in the investigation or adjudication of this process. It is the goal of the College to provide trained Advisors to parties for the grievance process. A party may select an Advisor from a list of individuals maintained by the Title IX Coordinator who have been trained and agreed to serve as Advisors during the grievance process. A party's choice of Advisor is not limited to those individuals on such a list. While a party may select any individual to serve as their Advisor, only the individuals on the list maintained by the Title IX Coordinator will have received training from the College on the grievance process.

Parties must provide notice of who will serve as their Advisor during any grievance hearings at least 3 business days prior to the hearing. If a party does not have an Advisor for a grievance hearing, an Advisor will be selected by the Title IX Coordinator and will be provided for the purpose of cross examination during the hearing.

Advisors may offer advice to and confer with the party during any meeting, interview, and/or hearing, but generally may not speak on behalf of the party. The only time an Advisor may speak on behalf of the party is to conduct cross examination questioning during a grievance hearing. Advisors are expected to comply with the Rules of Procedure and Decorum for hearings and remain respectful throughout the entire grievance process.

Any Advisor who fails to comply with these policies, the Rules of Procedure and Decorum for hearings, and/or who does not treat all others with respect throughout the grievance process may be warned by the Title IX Coordinator, Investigator, and/or Hearing Officer for his or her first infraction. An Advisor may be asked to leave the grievance proceeding if after being warned he or she continues to violate these policies or the Rules of Procedure and Decorum for a hearing, and/or continues to not treat others with respect. If an Advisor is asked to leave a meeting, interview, or hearing, the proceeding will end and be continued at another time when the party has an Advisor. Whether an Advisor who has been asked to leave a proceeding may serve as an

Advisor to the party at a later meeting, interview, or hearing will be a decision in the sole discretion of the Title IX Coordinator.

### **Investigation**

The assigned Title IX Coordinator will designate an Investigator, who may be the assigned Title IX Coordinator, to conduct a fair, thorough investigation of the allegations in the Formal Complaint. The Investigator will have received training as outlined in this policy. The assigned Title IX Coordinator may designate an outside investigator as Investigator.

The Investigator will provide written notice of any meetings or interviews to the parties and/or witnesses, that includes the date, time, and location for the meeting, as well as who will be participating in the meeting and the purpose for the meeting. This notice will be provided at least three (3) College business days in advance of the meeting or interview, unless the party or witness requests to meet sooner.

The burden will be on the Investigator to fully and fairly investigate the allegation in the formal complaint. All parties will have an equal opportunity to present witnesses and evidence to the Investigator.

At the conclusion of the investigation, the Investigator will send a copy of the evidence that is directly related to the allegations in the Formal Complaint to the parties and their Advisors for inspection and review. The parties will then have 10 days in order to submit a written response to the evidence, if they choose to do so. The Investigator will consider any written response to the evidence before the completion of the investigative report. The Investigator will make all evidence that is directly related to the allegations available at the grievance hearing.

The Investigator will prepare an investigative report that fairly summarizes all the relevant evidence. The investigative report should include a description of all steps taken in the investigation as well as summaries of all interviews with parties and/or witnesses and all relevant evidence reviewed by the Investigator.

The Investigator will send a copy of the report to the parties and their Advisors at least 10 days prior to any hearing for the parties' review and written response.

### **Hearing**

After the conclusion of the investigation, a live hearing before a Hearing Officer will be held. Generally, the Vice President of Student Affairs will serve as the Hearing Officer for all hearings, however, the College may designate an outside Hearing Officer to conduct the hearing and issue a final decision. The Hearing Officer will issue notice of the hearing to the parties, including the date, time, and location of the hearing. This notice will be provided at least five (5) College business days before the hearing. The hearing will be held pursuant to the Rules of Procedure and Decorum.

At the request of either party, the hearing will be held with the parties in separate rooms or locations, with the parties and Hearing Officer able to simultaneously see and hear each other through technology. Whether the hearing is conducted virtually or in person, it will be recorded. The Investigator will make all evidence that is directly related to the allegations available at the grievance hearing. All parties may refer to such evidence and may use it in cross examination.

The Investigator will provide a copy of the investigative report and all evidence that is relevant to the allegations in the Formal Complaint to the Hearing Officer. However, the Hearing Officer may not defer to the investigative report, and must objectively evaluate all relevant evidence and independently reach a determination regarding responsibility.

The Investigator, Complainant, and Respondent all have the ability to testify and call witnesses at the hearing, and to provide evidence to the Hearing Officer. The Hearing Officer will have the opportunity to ask questions of all parties and witnesses during the hearing.

After the Hearing Officer asks their questions, each party's Advisor will have the opportunity to ask all relevant and follow up questions of the other party and all witnesses during cross examination. No party shall be questioned directly by the other party. Advisors must abide by the Rules of Procedure and Decorum in questioning parties and witnesses. Any Advisor who does not abide by the Rules of Procedure and Decorum will be warned or dismissed from the hearing at the discretion of the Hearing Officer.

The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions during the hearing, including cross examination. The Hearing Officer cannot rely on any statement by a party or witness who does not submit to cross-examination during the course of the hearing in reaching a determination on responsibility.

The Hearing Officer will state whether each question is relevant before the questions is answered by the party or witness to whom it is directed, and explain any decision to exclude a question as not relevant. Questions or evidence that are deemed irrelevant by the Hearing Officer will be excluded from the hearing. Formal rules of evidence shall not apply.

The following types of evidence must be considered irrelevant by the Hearing Officer:

1. Evidence that is not pertinent to proving whether a fact material to the allegation is more or less likely to be true;
2. Information that is protected by privilege (e.g. attorney-client privilege);
3. Any party's medical, psychiatric, psychological, or counseling records without that party's voluntary, written consent;
4. Any information about the Complainant's sexual predisposition or prior sexual behavior, unless it is offered to prove that someone other than the Respondent committed the behavior alleged in the formal complaint or offered to prove consent.

### **Determination of Responsibility**

The Hearing Officer will issue a written determination whether the Respondent is responsible for the policy violations alleged in the Formal Complaint within five (5) College business days of the conclusion of the hearing. The Hearing Officer must determine the weight of the evidence and credibility of the parties in reaching a determination.

The written determination shall include:

1. An identification of the allegations in the Formal Complaint;
2. A description of procedural steps taken from the receipt of the Formal Complaint through the determination, including any notices, interviews, investigations, and hearings;

3. Findings of fact that support the determination,
4. Conclusions regarding the application of the policy to the facts;
5. A statement and rationale for the result for each allegation including the determination of responsibility, any sanctions that will be imposed on the Respondent, and whether any remedies designed to restore and preserve equal access to the College's educational program will be provided to the Complainant; and
6. The procedures and acceptable bases for appeal of this determination, including who will serve as Appeals Officer.

The standard of proof will be "preponderance of the evidence," which means whether the evidence shows it is more likely than not that a policy violation occurred.

The written determination will be provided simultaneously to all parties. The determination will become final and any sanctions will take effect after the resolution of any appeal, or if no appeal is filed, after the deadline to file an appeal has passed.

### **Sanctions and Remedies**

If the Respondent is found responsible for any violations of policy, then the Hearing Officer will determine what disciplinary sanctions will be imposed on the Respondent and what remedies designed to restore and preserve equal access to the College's educational programs will be offered to the Complainant.

The possible sanctions that can be imposed on a student Respondent found responsible include:

1. Warning/Censure: Written notice and reprimand to the student that a violation of specified College policies or campus regulations has occurred.
2. Disciplinary Probation: A status imposed for a specific period of time in which a student must demonstrate conduct that conforms to College standards of conduct. Conditions restricting the student's privileges, eligibility for activities or office positions in a recognized student organization may be imposed.
3. Exclusion: Loss of privileges from participation in designated privileges, athletics, extracurricular activities, and/or facilities for a specified academic term or terms. Exclusion from specified areas of the campus or from official College functions when there is reasonable cause to believe that the student's presence there will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on College property or at official College functions, or other disruptive activity incompatible with the orderly operation of the campus.
4. Suspension: Termination of student status at the campus for a specified range of time, academic term or terms with reinstatement thereafter certain, provided that the student has complied with any conditions imposed as part of the suspension.
5. Expulsion: Termination of student status for an indefinite period.
6. Residence Hall Dismissal: The student will not be permitted to reside in a Crowder College Residence Hall for a specified range of time or a minimum of one full 16- week semester. The resident will forfeit their deposit and be responsible for paying Room/Board charges for that current semester.
7. No Contact Order: No contact will be permitted with the party by phone, through a third person, electronically, in writing, in person or via any other venue.

8. No Trespass Order: The student will not be permitted to visit any Crowder College campus, center, or facility without the expressed permission of the Vice President of Student Affairs. If the student must visit or be on College property, s/he must have permission from the Vice President of Student Affairs and be escorted by a designee. The Student's presence on any College campus, center, or facility will constitute an unwelcome and unlawful trespass, which could result in their arrest.
9. Restitution: Reimbursement for damage to or misappropriation of College property or the property of others may be imposed.
10. Compensatory Service: Other disciplinary actions, such as monetary fines, letters of apology, community service, work assignments, essays, or holds on request for transcripts, diplomas, or other student records to be sent to third parties, as set forth in campus regulations.

The loss of College employment shall not be a form of discipline, unless the conduct giving rise to the discipline is related to the employment. The loss of student status will result in termination of the student's employment and access to other student amenities including, but not limited to, on-campus housing, food services, and campus activities.

The possible sanctions that can be imposed on an employee Respondent found responsible include:

1. Verbal Warning: Verbal statement to employee that they have violated a rule and/or regulation and that such violation may not continue.
2. Written Reprimand: Formal written notice of reprimand to the employee that a violation of specified College policies or campus regulations has occurred.
3. Performance/Conduct Improvement Plan: A status imposed for a specific period of time in which an employee must demonstrate performance and/or conduct that conforms to College standards of performance and/or conduct. Conditions restricting the employee's privileges may be imposed.
4. Exclusion: Loss of privileges from participation in designated privileges, athletics, extracurricular activities, and/or facilities for a specified period of time. Exclusion from specified areas of the campus or from official College functions when there is reasonable cause to believe that the employee's presence there will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on College property or at official College functions, or other disruptive activity incompatible with the orderly operation of the campus.
5. Demotion, Duties Reassignment or Physical Relocation: Demotion from current position to a position of lesser responsibility; reassignment of duties and/or physical relocation as required in an effort remedy specific situation.
6. Suspension: Loss of work and wages for a specific number of hours or days depending on the severity of the offense.
7. Termination: The employer/employee relationship is severed.
8. No Contact Order: No contact will be permitted with the party by phone, through a third person, electronically, in writing, in person or via any other venue.
9. No Trespass Order: The employee will not be permitted to visit any Crowder College campus, center, or facility without the expressed permission of the Director of Human Resources. If the student must visit or be on College property,

s/he must have permission from the Director of Human Resources and be escorted by a designee. The Employee's presence on any College campus, center, or facility will constitute an unwelcome and unlawful trespass, which could result in their arrest.

In addition to sanctions imposed on the Respondent, remedies can be offered to the Complainant in order to restore and preserve equal access to the College's educational program and activities. Remedies may be, but are not limited to, a continuation of previously offered supportive measures.

### **Appeals**

Any party may appeal the determination of responsibility or a dismissal of a Formal Complaint by submitting a written request to the Appeals Officer within five (5) College business days of the determination. The request should include a short statement outlining the basis for appeal. Appeals are limited to the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonable available at the time of the determination of responsibility or the dismissal of the Formal Complaint that would affect the outcome of the matter (request for appeal must include a summary of the new evidence and its potential impact); or
3. The Title IX Coordinator, Investigator, or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally that affected the outcome of the matter.

The Appeals Officer will notify the parties in writing that an appeal has been filed. Each party will then have 5 College business days to submit a written statement in support of, or challenging the outcome of the hearing.

Appeals Officer will issue a written determination of the outcome of the appeal, describing the result of the appeal and the rationale in support of that decision within five (5) College business days of the deadline for parties to submit their written statements. The Appeals Officer's written determination will be provided simultaneously to all parties.

If Appeals Officer determines there was a procedural error, there is new evidence, or personnel had a conflict of interest or bias that impacted the outcome, the complaint will be re-evaluated and further investigated under the direction of the Appeals Officer with instruction to:

- reinvestigate in light of the procedural error (the investigation may have been conducted unfairly, there was a potential deviation in investigation procedures, etc.),
- consider new evidence, or
- remove the conflict of interest or bias and reinvestigate.

The re-evaluation and reinvestigation by the Appeals Officer is not appealable. This decision is final.

### **Training**

The College will ensure that the Title IX Coordinator, Investigator, Hearing Officer, Appeals Officer and any person who facilitates an informal resolution has received training on:

- The definition of Sexual Harassment as set out in this policy;
- The definition of Consent under this policy and how to apply the definition of Consent consistently and impartially;
- The scope of the College's education program or activity;
- How to conduct the grievance process, including investigations, hearings, appeals, and informal resolutions (as applicable); and
- How to serve impartially, including avoiding prejudice of the facts at issue, conflicts of interest, or bias.

Hearing Officers will also receive training on:

- How to operate any technology used in conducting a hearing; and
- How to determine relevance of questions and evidence, including the provisions of this policy pertaining to the exclusion of evidence of a Complainant's previous sexual behavior

Investigators will also receive training on:

- How to determine if evidence is relevant to an investigation; and
- How to create an investigative report that fairly summarizes relevant evidence.

All training materials used by the College must not rely on sex stereotypes and must promote the impartial investigation and adjudication of Formal Complaints. All training materials used to train the Title IX Coordinator, Investigator, Hearing Officer, and any individual who facilitates an informal resolution must be made publicly available. These materials will be published at: <https://www.crowder.edu/about-crowder/title-ix-resources/>

### **Recordkeeping**

The Title IX Coordinator must create and maintain for a period of at least seven years records of any actions, including any supportive measures taken in response to a report or formal complaint of Sexual Harassment. For each instance, the Title IX Coordinator must document: 1) the basis for the conclusion that the College's response was not deliberately indifferent, and 2) that the College has taken measures designed to restore or preserve equal access to the College's educational program or activity. If the Title IX Coordinator does not provide the Complainant with supportive measures, then the Title IX Coordinator must document why it was not clearly unreasonable to not provide supportive measures.

The Title IX Coordinator will also maintain the following records for a period of at least seven years:

- Records related to each Sexual Harassment investigation, including any determination regarding responsibility;
- Any audio or audiovisual recording or transcript from a grievance hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal from a grievance process and the result of the appeal;
- Records related to any informal resolution and the result of the informal resolution;



- All materials used to train the Title IX Coordinators, Investigator, Hearing Officer, Appeals Officer and any individual who facilitates an informal resolution.