

Know Your Rights: Title IX Prohibits Sexual Harassment¹ and Sexual Violence Where You Go to School

Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 *et seq.*, is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. All public and private elementary and secondary schools, school districts, colleges, and universities (hereinafter "schools") receiving any Federal funds must comply with Title IX. Under Title IX, discrimination on the basis of sex can include sexual harassment or sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion.

Below is additional information regarding the specific requirements of Title IX as they pertain to sexual harassment and sexual violence.

What are a school's responsibilities to address sexual harassment and sexual violence?

- A school has a responsibility to respond promptly and effectively. If a school knows or reasonably should know about sexual harassment or sexual violence that creates a hostile environment, the school must take immediate action to eliminate the sexual harassment or sexual violence, prevent its recurrence, and address its effects.
- Even if a student or his or her parent does not want to file a complaint or does not request that the school take any action on the student's behalf, if a school knows or reasonably should know about possible sexual harassment or sexual violence, it must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation.
- A criminal investigation into allegations of sexual harassment or sexual violence does not relieve the school of its duty under Title IX to resolve complaints promptly and equitably.

What procedures must a school have in place to prevent sexual harassment and sexual violence and resolve complaints?

- **Every School Must Have And Distribute A Policy Against Sex Discrimination**
 - Title IX requires that each school publish a policy that it does not discriminate on the basis of sex in its education programs and activities. This notice must be widely distributed and available on an on-going basis.
 - The policy must state that inquiries concerning Title IX may be referred to the school's Title IX coordinator or to OCR.
- **Every School Must Have A Title IX Coordinator**
 - Every school must designate at least one employee who is responsible for coordinating the school's compliance with Title IX. This person is sometimes referred to as the Title IX coordinator. Schools must notify all students and employees of the name or title and contact information of the Title IX coordinator.
 - The coordinator's responsibilities include overseeing all complaints of sex discrimination and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

¹ Use of the term "sexual harassment" throughout this document includes sexual violence unless otherwise noted.

- **Every School Must Have And Make Known Procedures For Students To File Complaints Of Sex Discrimination.**

- Title IX requires schools to adopt and publish grievance procedures for students to file complaints of sex discrimination, including complaints of sexual harassment or sexual violence. Schools can use general disciplinary procedures to address complaints of sex discrimination. But all procedures must provide for prompt and equitable resolution of sex discrimination complaints.
- Every complainant has the right to present his or her case. This includes the right to adequate, reliable, and impartial investigation of complaints, the right to have an equal opportunity to present witnesses and other evidence, and the right to the same appeal processes, for both parties.
- Every complainant has the right to be notified of the time frame within which: (a) the school will conduct a full investigation of the complaint; (b) the parties will be notified of the outcome of the complaint; and (c) the parties may file an appeal, if applicable.
- Every complainant has the right for the complaint to be decided using a preponderance of the evidence standard (*i.e.*, it is more likely than not that sexual harassment or violence occurred).
- Every complainant has the right to be notified, in writing, of the outcome of the complaint. Even though federal privacy laws limit disclosure of certain information in disciplinary proceedings:
 - Schools must disclose to the complainant information about the sanction imposed on the perpetrator *when the sanction directly relates to the harassed student*. This includes an order that the harasser stay away from the harassed student, or that the harasser is prohibited from attending school for a period of time, or transferred to other classes or another residence hall.
 - Additionally, the Clery Act (20 U.S.C. §1092(f)), which only applies to postsecondary institutions, requires that both parties be informed of the outcome, including sanction information, of any institutional proceeding alleging a sex offense. Therefore, colleges and universities may not require a complainant to abide by a non-disclosure agreement, in writing or otherwise.
- The grievance procedures may include voluntary informal methods (e.g., mediation) for resolving some types of sexual harassment complaints. However, the complainant must be notified of the right to end the informal process at any time and begin the formal stage of the complaint process. In cases involving allegations of sexual assault, mediation is not appropriate.

If you want to learn more about your rights, or if you believe that a school district, college, or university is violating Federal law, you may contact the U.S. Department of Education, Office for Civil Rights, at (800) 421-3481 or ocr@ed.gov. If you wish to fill out a complaint form online, you may do so at: <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.



Factsheet: The Violence Against Women Act

Under the leadership of then-Senator Joe Biden, Congress recognized the severity of violence against women and our need for a national strategy with the enactment of the Violence Against Women Act in 1994. This landmark federal legislation's comprehensive approach to violence against women combined tough new provisions to hold offenders accountable with programs to provide services for the victims of such violence.

VAWA has **improved the criminal justice response** to violence against women by:

- holding rapists accountable for their crimes by strengthening federal penalties for repeat sex offenders and creating a federal "rape shield law," which is intended to prevent offenders from using victims' past sexual conduct against them during a rape trial;
- mandating that victims, no matter their income levels, are not forced to bear the expense of their own rape exams or for service of a protection order;
- keeping victims safe by requiring that a victim's protection order will be recognized and enforced in all state, tribal, and territorial jurisdictions within the United States;
- increasing rates of prosecution, conviction, and sentencing of offenders by helping communities develop dedicated law enforcement and prosecution units and domestic violence dockets;
- ensuring that police respond to crisis calls and judges understand the realities of domestic and sexual violence by training law enforcement officers, prosecutors, victim advocates and judges; VAWA funds train over 500,000 law enforcement officers, prosecutors, judges, and other personnel every year;
- providing additional tools for protecting women in Indian country by creating a new federal habitual offender crime and authorizing warrantless arrest authority for federal law enforcement officers who determine there is probable cause when responding to domestic violence cases.

VAWA has **ensured that victims and their families have access to the services** they need to achieve safety and rebuild their lives by:

- responding to urgent calls for help by establishing the National Domestic Violence Hotline, which has answered over 3 million calls and receives over 22,000 calls every month; 92% of callers report that it's their first call for help;

- improving safety and reducing recidivism by developing coordinated community responses that bring together diverse stakeholders to work together to prevent and respond to violence against women,
- focusing attention on the needs of underserved communities, including creating legal relief for battered immigrants so that abusers cannot use the victim's immigration status to prevent victims from calling the police or seeking safety, and supporting tribal governments in building their capacity to protect American Indian and Alaska Native women.

VAWA has **created positive change**. Since VAWA was passed:

- Fewer people are experiencing domestic violence.
 - Between 1993 to 2010, the rate of intimate partner violence declined 67%;
 - Between 1993 to 2007, the rate of intimate partner homicides of females decreased 35% and the rate of intimate partner homicides of males decreased 46%.
- More victims are reporting domestic and sexual violence to police, and reports to police are resulting in more arrests.
- States have reformed their laws to take violence against women more seriously:
 - All states have reformed laws that previously treated date or spousal rape as a lesser crime than stranger rape;
 - All states have passed laws making stalking a crime;
 - All states have authorized warrantless arrests in misdemeanor domestic violence cases where the responding officer determines that probable cause exists;
 - All states provide for criminal sanctions for the violation of a civil protection order;
 - Many states have passed laws prohibiting polygraphing of rape victims;
 - Over 35 states, the District of Columbia, and the U.S. Virgin Islands have adopted laws addressing domestic and sexual violence, and stalking in the workplace. These laws vary widely and may offer a victim time off from work to address the violence in their lives, protect victims from employment discrimination related to the violence, and/or provide unemployment insurance to survivors who must leave their jobs because of the abuse.

The Campus Sexual Violence Elimination (SaVE) Act

The Campus Sexual Violence Elimination (SaVE) Act represents a turning point in our nation's handling of sexual misconduct on college campuses and universities. Introduced by U.S. Senator Bob Casey and House Representative Caroline Maloney, SaVE will complement the Title IX Guidance by the U.S. Department of Education's Office for Civil Rights.

The Campus SaVE Act seeks to address the violence women face on campus: the highest rates of stalking, the highest risk of nonfatal intimate partner violence, and 20-25% of female students experiencing rape or attempted rape. This legislation will update the Jeanne Clery Act to create:

Transparency:

SaVE requires that incidents of domestic violence, dating violence, sexual assault, and stalking be disclosed in annual campus crime statistic reports. Additionally, students or employees reporting victimization will be provided with their written rights to:

- Be assisted by campus authorities if reporting a crime to law enforcement
- Change academic, living, transportation, or working situations to avoid a hostile environment
- Obtain or enforce a no contact directive or restraining order
- Have a clear description of their institution's disciplinary process and know the range of possible sanctions
- Receive contact information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available both on-campus and in the community

Accountability:

SaVE clarifies minimum standards for institutional disciplinary procedures covering domestic violence, dating violence, sexual assault, and stalking to ensure that:

- Proceedings shall provide a prompt, fair, and impartial investigation and resolution and are conducted by officials receiving annual training on domestic violence, sexual assault, and stalking
- Both parties may have others present during an institutional disciplinary proceeding and any related meeting, including an advisor of their choice
- Both parties will receive written outcomes of all disciplinary proceedings at the same time

Education:

SaVE instructs colleges and universities to provide programming for students and employees addressing the issues of domestic violence, dating violence, sexual assault and stalking. Education programs shall include:

- Primary prevention and awareness programs for all incoming students and new employees
- Safe and positive options for bystander intervention
- Information on risk reduction to recognize warning signs of abusive behavior
- Ongoing prevention and awareness programs for students and faculty

Collaboration:

SaVE establishes collaboration between the U.S. Departments of Justice, Education, and Health and Human Services to collect and disseminate best practices for preventing and responding to domestic violence, dating violence, sexual assault, and stalking.

The Campus SaVE Act enjoys support by over 20 diverse nonprofit organizations:

American Association of University Women (AAUW) • Break the Cycle • Casa de Esperanza • The Clery Center for Security on Campus • Futures Without Violence • Jewish Women International • Men Can Stop Rape • The National Alliance to End Sexual Violence • The National Center for Victims of Crime • The National Coalition Against Domestic Violence • The National Dating Abuse Helpline • The National Domestic Violence Hotline • The National Network to End Domestic Violence • The Pennsylvania Coalition Against Domestic Violence (PCADV) • The Pennsylvania Coalition Against Rape (PCAR) • Promoting Awareness, Victim Empowerment (PAVE) • The Rape, Abuse, & Incest National Network (RAINN) • Students Active for Ending Rape (SAFER) • The Women of Color Network • VTV Family Outreach Foundation



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Contact: 877.349.1150

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Every Choice

Who We Are

Request A Demo

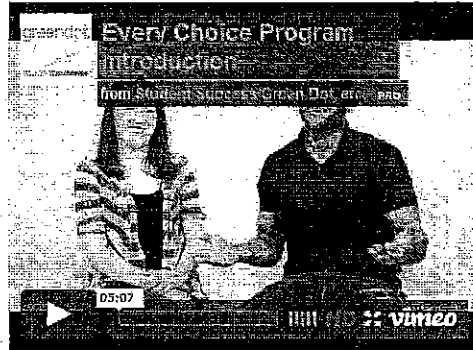
Campus SaVE Act - Every Choice can help with compliance

Online Violence Prevention Program

The Campus SaVE Act, (SEC. 304 of the VAWA - Violence Against Women Reauthorization Act of 2013) now requires that schools provide the educational programs on sexual violence that were recommended in the 2011 Title IX Dear Colleague Letter.

Every Choice is a new online, video-based program, aimed at reducing campus sexual assault, dating/domestic violence and stalking by equipping students with realistic, actionable bystander intervention tools.

More



Many colleges and universities are seeking solutions to the most recent requirements resulting from the reauthorization of the VAWA - Violence Against Women Act (includes the Campus SaVE Act).

Every Choice can help fulfill the following requirements:

- Educate All Incoming Students
- Definition of Sexual Assault
- Definition of Domestic Violence
- Definition of Dating Violence
- Definition of Stalking
- Definition of Consent
- Options for Bystander Intervention
- Recognize Warning Signs of Abusive Behavior
- How to Avoid Potential Attacks
- Ongoing Prevention/Awareness Campaigns
- Campus-Specific Procedures, Policies & Resources

Beginning in the 2014-2015 school year, colleges are required to provide "primary prevention and awareness programs" for all incoming students, as well as ongoing prevention and awareness campaigns.

For your convenience, the following represents a summary of those requirements: Education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include—

1. Primary prevention and awareness programs for all Incoming students and new employees, which shall include—
 - a statement that the Institution of higher education prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;
 - the definition of domestic violence, dating violence, sexual assault, and stalking in the applicable jurisdiction;
 - the definition of consent, in reference to sexual activity, in the applicable jurisdiction;
 - safe and positive options for bystander Intervention that may be carried out by an Individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;
 - information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and
 - campus-specific procedures, policies and resources
2. Ongoing prevention and awareness campaigns for students and faculty

*The Campus SaVE Act has additional requirements not addressed here.

View Sample Module

Every Choice is a collaboration that combines Green Dot, etc.'s expertise in bystander intervention training with Student Success' expertise with online learning programs.

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To learn more contact: Barbara Wells

877-349-115

barbara.wells@studentsuccess.org

SAMPLE / EXAMPLE of one compliance vendor

"(D) The grantee shall train all members of campus disciplinary boards to respond effectively to situations involving domestic violence, dating violence, sexual assault, or stalking."; and

(5) in subsection (e), by striking "there are" and all that follows through the period and inserting "there is authorized to be appropriated \$12,000,000 for each of fiscal years 2014 through 2018."

SEC. 304. CAMPUS SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING EDUCATION AND PREVENTION.

(a) IN GENERAL.—Section 485(f) of the Higher Education Act of 1966 (20 U.S.C. 1092(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C)(iii), by striking the period at the end and inserting ", when the victim of such crime elects or is unable to make such a report."; and

(B) in subparagraph (F)—

(i) in clause (i)(VIII), by striking "and" after the semicolon;

(ii) in clause (ii)—

(I) by striking "sexual orientation" and inserting "national origin, sexual orientation, gender identity"; and

(II) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(ii) of domestic violence, dating violence, and stalking incidents that were reported to campus security authorities or local police agencies.";

(2) in paragraph (3), by inserting ", that withholds the names of victims as confidential," after "that is timely";

(3) in paragraph (6)(A)—

(A) by redesignating clauses (i), (ii), and (iii) as clauses (ii), (iii), and (iv), respectively;

(B) by inserting before clause (ii), as redesignated by subparagraph (A), the following:

"(i) The terms 'dating violence', 'domestic violence', and 'stalking' have the meaning given such terms in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a))."; and

(C) by inserting after clause (iv), as redesignated by subparagraph (A), the following:

"(v) The term 'sexual assault' means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.";

(4) in paragraph (7)—

(A) by striking "paragraph (1)(F)" and inserting "clauses (i) and (ii) of paragraph (1)(F)"; and

(B) by inserting after "Hate Crime Statistics Act." the following: "For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).";

(5) by striking paragraph (8) and inserting the following:

"(B)(A) Each institution of higher education participating in any program under this title and title IV of the Economic Opportunity Act of 1964, other than a foreign institution of higher education, shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding—

"(i) such institution's programs to prevent domestic violence, dating violence, sexual assault, and stalking; and

"(ii) the procedures that such institution will follow once an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding arising from such a report.

"(B) The policy described in subparagraph (A) shall address the following areas:

"(i) Education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include—

"(I) primary prevention and awareness programs for all incoming students and new employees, which shall include—

"(aa) a statement that the institution of higher education prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;

"(bb) the definition of domestic violence, dating violence, sexual assault, and stalking in the applicable jurisdiction;

"(cc) the definition of consent, in reference to sexual activity, in the applicable jurisdiction;

"(dd) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;

"(ee) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and

"(ff) the information described in clauses (ii) through (vii); and

"(II) ongoing prevention and awareness campaigns for students and faculty, including information described in items (aa) through (ff) of subclause (I).

"(ii) Possible sanctions or protective measures that such institution may impose following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.

"(iii) Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about—

"(I) the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;

"(II) to whom the alleged offense should be reported;

"(III) options regarding law enforcement and campus authorities, including notification of the victim's option to—

"(aa) notify proper law enforcement authorities, including on-campus and local police;

"(bb) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and

"(cc) decline to notify such authorities; and

"(IV) where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

"(iv) Procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, which shall include a clear statement that—

"(I) such proceedings shall—

"(aa) provide a prompt, fair, and impartial investigation and resolution; and

"(bb) be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;

"(II) the accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice; and

"(III) both the accuser and the accused shall be simultaneously informed, in writing, of—

"(aa) the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;

"(bb) the institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding;

"(cc) of any change to the results that occurs prior to the time that such results become final; and

"(dd) when such results become final.

"(v) Information about how the institution will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

"(vi) Written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.

"(vii) Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

"(C) A student or employee who reports to an institution of higher education that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided

with a written explanation of the student or employee's rights and options, as described in clauses (ii) through (vii) of subparagraph (B)."

(6) in paragraph (9), by striking "The Secretary" and inserting "The Secretary, in consultation with the Attorney General of the United States,";

(7) by striking paragraph (16) and inserting the following:
"(16)(A) The Secretary shall seek the advice and counsel of the Attorney General of the United States concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies."

"(B) The Secretary shall seek the advice and counsel of the Attorney General of the United States and the Secretary of Health and Human Services concerning the development, and dissemination to institutions of higher education, of best practices information about preventing and responding to incidents of domestic violence, dating violence, sexual assault, and stalking, including elements of institutional policies that have proven successful based on evidence-based outcome measurements,"; and

(8) by striking paragraph (17) and inserting the following:
"(17) No officer, employee, or agent of an institution participating in any program under this title shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this subsection."

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect with respect to the annual security report under section 485(f)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)) prepared by an institution of higher education 1 calendar year after the date of enactment of this Act, and each subsequent calendar year.

TITLE IV—VIOLENCE REDUCTION PRACTICES

SEC. 401. STUDY CONDUCTED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

Section 402(c) of the Violence Against Women and Department of Justice Reauthorization Act of 2006 (42 U.S.C. 250b-4(c)) is amended by striking "\$2,000,000 for each of the fiscal years 2007 through 2011" and inserting "\$1,000,000 for each of the fiscal years 2014 through 2018".

SEC. 402. SAVING MONEY AND REDUCING TRAGEDIES THROUGH PREVENTION GRANTS.

(a) **SMART PREVENTION.**—Section 41303 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d-2) is amended to read as follows:

"SEC. 41303. SAVING MONEY AND REDUCING TRAGEDIES THROUGH PREVENTION (SMART PREVENTION).

"(a) **GRANTS AUTHORIZED.**—The Attorney General, in consultation with the Secretary of Health and Human Services and the Secretary of Education, is authorized to award grants for the purpose of preventing domestic violence, dating violence, sexual assault, and stalking by taking a comprehensive approach that focuses

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Policy

The college provides equal opportunity in education and employment and does not discriminate on the basis of race, color, national origin, age, disability, sex, sexual orientation, marital status, creed, religion, or status as a veteran of war as required by Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, RCW 49.60.030 and their implementing regulations. Prohibited gender based discrimination includes sexual harassment

Harassment is defined, for the purpose of this policy, as unwelcome and unauthorized patterns of conduct, based on a person's or persons' race, color, religious belief, sex, marital status, sexual orientation, gender identity or expression, national or ethnic origin, disability, veteran status or age, and which

- a) The harasser either knows, or should know, will have the effect of making the College environment hostile, intimidating, or demeaning to the victim, and
- b) in fact is sufficiently, severe, persistent or pervasive to substantially deny or limit that person's ability to benefit from or fully participate in educational programs or activities or employment opportunities

Sexual Harassment is defined, for the purposes of this policy as follows: unwelcome sexual advances, requests, and other unwelcome conduct of a sexual nature where:

- a) submission to such conduct is made, either expressly or implicitly, a term or condition of an individual's employment or education; or
- b) submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting any individual; or
- c) such unwelcome conduct is sufficiently severe, persistent or pervasive to have the effect of substantially interfering with any individual's academic or professional performance

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ADMINISTRATIVE PROCEDURE—DISCRIMINATION AND HARASSMENT

_____ College recognizes its responsibility for investigation, resolution, implementation of corrective measures, and monitoring the educational environment and workplace to stop, remediate, and prevent discrimination on the basis of race, color, national origin, age, disability, sex, sexual orientation, marital status, creed, religion, or status as a veteran of war as required by Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, RCW 49.60.030 and their implementing regulations. Prohibited sex discrimination includes sexual harassment. _____ College has enacted policies prohibiting discrimination and harassment. Any individual found to be in violation of College discrimination and harassment policies and procedures will be subject to disciplinary action up to and including dismissal from the college or from employment.

The College will follow the procedures contained in this document for all discrimination and/or sexual harassment complaints brought by employees, students or visitors to the campus. Any employee, student or visitor who believes that he or she has been the subject of discrimination or sexual harassment should report the incident or incidents to the following College Official listed below. If the complaint is against that official, the complainant should report the matter to the president's office for referral to an alternate designee. The College encourages the timely reporting of any incidents of discrimination or sexual harassment.

Name:

Title: Chief Human Resources Officer, Title IX Officer/EO/AA Officer

Office:

Contact info:

The Title IX Officer or designee:

- Will accept all complaints and referrals from College employees, students, and visitors
- Will keep accurate records of all complaints and referrals for the required time period
- May conduct investigations
- May impose interim remedial measures to protect parties during investigations of sexual misconduct
- Will make findings of fact on investigations completed
- May recommend specific corrective measures to stop, remediate, and prevent the recurrence of inappropriate action.

A. DEFINITIONS

1. **Complainant:** employee(s), student(s) or visitor(s) of _____ College who alleges that she or he has been subjected to discriminatory practices or sexual conduct.
2. **Respondent:** person or persons who are members of the campus community who allegedly discriminated against or harassed another person or persons.
3. **Complaint:** a description of facts that allege violation of the College's policy against discrimination or sexual misconduct. The College has an official formal complaint form for documenting alleged discrimination or harassment. This form is available online under policies and procedures on the human resources webpage. Hardcopies of the form are located in the human resources office and/or student office on campus.
4. **Discriminatory Harassment:** a form of discrimination consisting of physical or verbal conduct that (1) denigrates or shows hostility toward an individual because of their race, creed, color, religion, national or ethnic origin, parental status or families with children, marital status, sex (gender), sexual orientation, gender identity or expression, age, genetic information, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service

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animal by a person with a disability, or any other prohibited basis; and (2) is sufficiently severe or pervasive so as to substantially interfere with the individual's employment, education or access to college programs, activities and opportunities.

Examples of behaviors that may rise to the level of discriminatory harassment include but are not limited to the following:

- a. Racial epithets, "jokes," offensive or derogatory comments, or other verbal or physical conduct based on an individual's race/color.
 - b. Ethnic slurs, workplace graffiti, or other offensive conduct directed towards an individual's birthplace, ethnicity, culture, or foreign accent.
 - c. Verbal or physical abuse, "jokes" or offensive comments based on an individual's age, gender, disability, or sexual orientation.
 - d. Making, posting, e-mailing, or circulating demeaning or offensive pictures, cartoons or other materials in the workplace that relate to race, ethnic origin, gender or one of the other protected categories listed above.
5. **Investigation:** The Title IX Officer may appoint a designee to investigate the complaint. The Officer shall inform the complainant and respondent of the appointment. The College representative shall conduct an investigation based upon the submitted complaint from the complainant or prepared by the Officer.
 6. **Resolution:** a process that attempts a complaint resolution agreeable to a complainant using methods which may include, counseling, supporting, mediating, discipline or otherwise facilitating the resolution of the complaint. No Title IX complainant will be required to have face to face interaction with an alleged perpetrator in any informal resolution or mediation.
 7. **Discrimination:** Unfavorable treatment of another person based on that person's race, color, national origin, age, disability, sex, sexual orientation, marital status, creed, religion, or status as a veteran that is sufficiently severe or pervasive so as to substantially deny or limit that person's ability to benefit from or fully participate in educational programs or activities or employment opportunities
 8. **Sexual Misconduct:** A range of behaviors including sexual harassment, sexual assault and sexual violence.
 9. **Sexual Harassment:** For the purposes of this policy sexual harassment is defined as unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent or pervasive that it substantially interferes with, limits, or deprives the victim of the ability to participate in, or benefit from the college's educational program or activities or employment benefits or opportunities.

Sexual harassment may be either "quid pro quo" when being asked to subject oneself to unwelcome advances in exchange for something else; or "hostile environment" which may occur when another's unwelcomed conduct of a sexual nature is sufficiently severe, persistent or pervasive such that it substantially limits one's ability to work or participate in an educational program.

Examples of behaviors that may rise to the level of sexual harassment and, therefore, are prohibited include but are not limited to the following:

- a. Physical assault.
- b. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation.

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- c. A pattern of behaviors that is unwelcome and severe or pervasive, resulting in unreasonable interference with the work or educational environment, and may include but is not limited to the following:
 - i. Comments of a sexual nature.
 - ii. Sexually explicit statements, questions, jokes, or anecdotes.
 - iii. Unnecessary or undesirable touching, patting, hugging, kissing, or brushing against an individual's body.
 - iv. Remarks of a sexual nature about an individual's clothing, body, or speculations about previous sexual experiences.
 - v. Persistent, unwanted attempts to change a professional relationship to an amorous relationship.
 - vi. Subtle propositions for sexual activity or direct propositions of a sexual nature.
 - vii. Uninvited letters, e-mails, telephone calls, or other correspondence referring to or depicting sexual activities.

B. WHO MAY FILE A COMPLAINT?

Any employee, student or visitor of the College may file a complaint. The employee, student or visitor is referred to as a complainant and can file a complaint on his or her behalf. A complaint cannot be filed on behalf of another person.

C. CONFIDENTIALITY AND RIGHT TO PRIVACY

_____ College will seek to protect the privacy of all the parties involved to the full extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, and comply with the federal and state law, as well as _____ College policies and procedures. _____ College cannot guarantee complete confidentiality.

D. COMPLAINT PROCEDURE

Any person who believes that he or she has been the subject of discrimination or sexual harassment, should report the incident or incidents to the Title IX Coordinator. If the complaint is against that official, the complainant should report the matter to the president's office for referral to an alternate designee. The college encourages the timely reporting of any incident(s) of discrimination or sexual harassment.

All reports of incident(s) will be forwarded to the Title IX Coordinator for coordination and a determination on how to process the complaint.

The complainant alleging discrimination or sexual harassment may submit a brief written statement of allegations to the Title IX Officer. Complaints shall be signed, dated, include names, description and date of the incident, and the remedy sought. If the complainant does not submit a written statement, the Title IX Coordinator shall prepare a statement of facts which is reviewed by the complainant.

The Title IX Coordinator may appoint a designee to investigate the complaint. The Title IX Coordinator shall inform the complainant and respondent(s) of the appointment.

The investigator shall conduct a thorough investigation. The investigation shall include, but is not limited to, interviewing the complainant and the respondent, relevant witnesses, and reviewing relevant documents. The investigation shall be concluded within a reasonable time, normally sixty days, barring exigent circumstances. In cases of complaints of sexual misconduct, the Title IX Coordinator may impose interim measures

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to protect the parties pending the conclusion of the investigation.

At the conclusion of the investigation the investigator shall set forth his or her findings and recommendations in writing. If the investigator is a designee, the investigator shall send a copy of the findings and recommendations to the Title IX Coordinator.

The Title IX Coordinator shall consider the findings and recommendations and determine, based on a preponderance of the evidence, whether a violation of the discrimination and harassment policy occurred, and if so, what steps will be taken to resolve the complaint, remedy the effects on any victim(s), and prevent its recurrence. The Title IX Coordinator will issue a decision in writing to each party. Possible remedial steps may include, but are not limited to, referral for voluntary training/counseling, development of a remediation plan, limited contact orders, and referral and recommendation for formal disciplinary action. Referrals for disciplinary action will be made to the appropriate student services administrator or appointing authority, consistent with the student conduct code, college policies and collective bargaining agreements

The complainant shall be informed of the decision and of actions taken or recommended to resolve the complaint, if any, that are directly related to the complainant, such as a recommendation that the accused not contact the complainant. The complainant may be notified generally that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the respondent. The respondent shall be informed of the decision and of actions taken or recommended to resolve the complaint and shall be notified of referrals for disciplinary action and recommended disciplinary action. Both the complainant and the respondent are entitled to review any final findings, conclusions, recommendations and investigatory reports, subject to any FERPA confidentiality requirements.

Final Decision/Reconsideration. Either the complainant or the respondent may seek reconsideration of the decision by the Title IX Coordinator. Requests for reconsideration shall be submitted in writing to the Title IX Coordinator within 7 days of receiving the decision. Requests must specify which portion of the decision should be reconsidered and the basis for reconsideration. If no request for reconsideration is received within 7 days, the decision becomes final. If a request for reconsideration is received, the Title IX Coordinator shall respond within _____ days. The Title IX Coordinator shall either deny the request or, if the Coordinator determines that the request for reconsideration has merit, issue an amended decision. Any amended decision is final and no further reconsideration is available.

The procedures regarding complaints of discrimination shall be published and distributed as determined by the president or president's designee. Any person who believes he or she has been subjected to sexual harassment will be provided a copy of this policy and procedure.

E. LIMITS TO AUTHORITY

Nothing in this procedure shall prevent the College President or designee from taking immediate disciplinary action in accordance with _____ College policies and procedures, and federal, state, and municipal rules and regulations.

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F. NON-RETALIATION, INTIMIDATION AND COERCION

Retaliation by, for or against any participant (complainant, respondent, or witness) is expressly prohibited. Retaliatory action of any kind taken against individuals as a result of seeking redress under the applicable procedures or serving as a witness in a subsequent investigation dealing with harassment/discrimination is prohibited and is conduct subject to discipline. Any person who thinks he/she has been the victim of retaliation should contact the Title IX Officer/EO/AA Officer immediately.

G. OTHER COMPLAINT OPTIONS

An employee or student may always file a complaint with:

Washington State Human Rights Commission at (800) 233-3247 or TDD (800) 300-7525, or
U. S. Department of Education Office for Civil Rights at (800)421-3481 or TDD (877) 521-2172 or
Equal Employment Opportunity Commission at (800) 669-4000 or TDD (800) 669-6820.

Discrimination/Harassment Formal Complaint Form

If you wish to file a formal complaint involving alleged discrimination and/or harassment please write clearly and specifically addressing alleged discrimination and/or harassment. All formalized complaints shall be signed and dated, and shall include the following information: the date and time of the alleged incident(s); the name of the individual or group whom the complaint is against, if known; a description of the incident(s); and the remedy sought. Complaints shall be filed within 30 days of the event unless there are extraordinary circumstances that prohibit the complainant from reporting the alleged discrimination or harassment.

Name filing the complaint: _____ Date filing the complaint: _____

Please describe the alleged incident: