

TITLE IX NONDISCRIMINATION POLICY AND GRIEVANCE PROCEDURES FOR SEX DISCRIMINATION AND SEX- BASED HARASSMENT

Email: OCR.Cleveland@ed.gov

Office for Civil Rights (OCR)
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr> (<http://www2.ed.gov/about/offices/list/ocr/>)

U.S. Department of Justice Civil Rights Division
Educational Opportunities Section, PHB
Washington, D.C. 20530
Telephone: (202) 514-4092 or 1-877-292-3804 (toll-free)

SECTION 1: Scope and Jurisdiction of Policy

This Policy is only applicable to alleged incidents that occur on or after August 1, 2024. For alleged incidents of sex discrimination or sex-based harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. Applicable versions of those policies and procedures are available in the Title IX Coordinator's Office.

This Policy applies to all faculty, employees, students, and other individuals participating in or attempting to participate in Glen Oaks Community College program or activities, including education and employment.

This Policy applies to the College's education programs and activities (defined as including locations, events, or circumstances in which the College exercises substantial control over both the Respondent and the context in which the conduct occurred), circumstances where the College has disciplinary authority, and to misconduct occurring within any building owned or controlled by a College-recognized student organization.

This Policy may also apply to the effects of off-campus misconduct that limit or deny a person's access to the College's education program or activities. The College may also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial College interest (i.e. criminal offenses or immediate threats to safety, etc).

For disciplinary action to be issued under this Policy, the respondent must be a College faculty member, student, or employee at the time of the alleged incident. If the respondent is unknown or is not a member of the College community, the Title IX Coordinator will offer to assist the Complainant in identifying appropriate institutional and local resources and will implement appropriate supportive measures and/or remedial actions. If third parties (non-students or non-employees) engage in discriminatory behavior at College events, the Title IX Coordinator may take action, including barring third parties from campus or events, to prevent ongoing or recurring discrimination.

This Policy also prohibits retaliation against a person who makes a good faith complaint of sex discrimination or sex-based harassment under this Policy. Alleged sex discrimination or sex-based harassment that occurred outside of the College's education program or activity and that cannot be resolved through the grievance procedures described in this Policy may be addressed through the College's Code of Conduct.

SECTION 2: Definitions

Advisor. A person chosen by a party or appointed by the institution to accompany the party to meetings related to the grievance process and to

Policy 3.95

Introduction

Glen Oaks Community College ("Glen Oaks" or "the College") does not discriminate on the basis of sex and prohibits sex discrimination in its education program or activity, including in admissions and employment, as required by Title IX of the Education Amendments of 1972 ("Title IX").

This Policy is intended to: define sex discrimination, sex-based harassment, and retaliation under Title IX; establish a mechanism for responding to complaints, including supportive measures that may be available to all involved parties; and outline the remedial efforts the College may take to end any sex discrimination, sex-based harassment, or retaliation that has occurred, prevent its recurrence and address any continuing effects on an affected person.

All reports of sex discrimination, sex-based harassment, or retaliation will be handled by one of the College's Title IX Coordinators:

Tonya Howden Title IX Coordinator Coordinator Student Services, A53 Administrative Office, A37 62249 Shimmel Rd. Shimmel Rd. Centreville, MI 49032 thowden@glenoaks.edu cbohacz@glenoaks.edu 269-294-4230	Jamie Yesh Title IX Coordinator Administrative Office, A36 62249 Shimmel Rd. Centreville, MI 49032 jyesh@glenoaks.edu 269-294-4229	Candy Bohacz Title IX 62249 Centreville, MI 269-294-4232
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Complaints under this Policy may be made to any of the Title IX Coordinators. The Title IX Coordinator in the Student Services Office will take the lead role in administering this Policy and retains ultimate oversight over the College's Title IX responsibilities and compliance but may involve the Title IX Coordinator(s) in the Administrative Office on complaints that involve employees or if the involvement of a different Title IX Coordinator is otherwise appropriate. In the event an incident involves alleged misconduct by a Title IX Coordinator, reports should be made to another Title IX Coordinator or the President of the College.

Individuals experiencing harassment or discrimination on the basis of sex also have the right to file a formal complaint with government authorities:

Cleveland Office
Office for Civil Rights
U.S. Department of Education
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115-1812
Telephone: 216-522-4970
FAX: 216-522-2573; TDD: 800-877-8339

advise the party on that process. This person may be, but need not be, an attorney.

Complainant: A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination.

Complaint: An oral or written request to the College that objectively can be understood as a request for the College to investigate and make a determination about alleged discrimination under Title IX.

Consent: Clear, knowing and voluntary agreement. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable, clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- In order to give effective consent, one must be of legal age and have the mental/physical capacity to consent. A person may be unable to consent due to consumption of drugs or alcohol.
- Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person's consent ineffective, because it is not voluntary. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

Gender Identity: Gender identity is the gender of which a person identifies which may not correspond with the gender assigned at birth.

Party: A complainant or respondent

Pregnancy or related conditions: Pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Relevant: Information related to the allegations of sex discrimination under investigation as part of the grievance procedures in Sections 6-8 of this Policy. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a Decisionmaker in determining whether the alleged sex discrimination occurred.

Respondent: An individual who is alleged to have violated the College's prohibition on sex discrimination as defined in this Policy.

Retaliation: Intimidation, threats, coercion, or discrimination against any individual by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX, or because the individual made a report or complaint, testified, assisted or participated (or refused to participate) in any manner in an investigation, proceeding, or hearing, including an informal resolution process, related to Title IX or this Policy.

Retaliation will not be tolerated and may result in severe sanctions, including discipline, suspension, expulsion, termination of employment or revocation of tenure, or an additional charge.

Sex Discrimination: Differential treatment, separation, or harassment (as defined below under "Sex-Based Harassment") on the basis of sex, which includes sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, with respect to an individual's access to or participation in the College's education programs or activities.

In the limited circumstances in which Title IX permits different treatment or separation on the basis of sex, such treatment or separation must not subject an individual to more than de minimis harm. Adopting a policy or engaging in a practice that prevents an individual from participating in a College education program or activity consistent with the individual's gender identity subjects an individual to more than de minimis harm on the basis of sex.

For purposes of this Policy, a complaint of non-harassment sex discrimination is addressed by the grievance procedures described in Section 6 and sex-based harassment discrimination is addressed by the grievance procedures described in Sections 7-8.

Sex-Based Harassment: A form of sex discrimination that means sexual harassment and other harassment on the basis of sex – including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity – that is:

1. **Quid pro quo harassment:** When an employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College's education program or activity explicitly or impliedly conditions the provision of such an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
2. **Hostile environment harassment:** Unwelcome sex-based conduct that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties' ages, roles within the College's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in the recipient's education program or activity; or
3. **A specific offense of:**
 - a. **"Sexual assault,"** as defined by the Clery Act, which is classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual assault is further defined as:

1. Sex Offenses, Forcible: Any sexual act directed against another person without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
 - a. Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
 - b. Sodomy: Oral or anal sexual intercourse with another person forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - c. Sexual Assault with an Object: The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - d. Fondling: The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 2. Sex Offenses, Non-forcible:
 - a. Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Michigan law.
 - b. Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent of Michigan.
 - b. **Dating Violence** defined in 34 U.S.C. 12291(a)(10) as:
 - a. Violence on the basis of sex committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - b. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - c. For the purposes of this definition—
 - i. Dating violence includes, but is not limited to emotional, psychological, sexual or physical abuse or the threat of such abuse.
 - ii. Dating violence does not include acts covered under the definition of domestic violence.
 - c. **Domestic Violence** defined in 34 U.S.C. 12291(a)(8) as:
 - a. Violence on the basis of sex committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Michigan, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Michigan.
 - b. To categorize an incident as Domestic Violence, the relationship between the respondent and the complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.
 - d. **Stalking** defined in 34 U.S.C. 12291(a)(30) as:
 - a. Engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress.
 - b. For the purposes of this definition:
 - i. Course of conduct means two or more acts, including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.
 - iii. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling
- Sexual orientation:** Sexual identity in relation to the gender to which a person is attracted.
- Supportive measures:** Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:
1. Restore or preserve that party's access to the recipient's education program or activity, including measures that are

designed to protect the safety of the parties or the recipient's educational environment; or

2. Provide support during the recipient's grievance procedures or during an informal resolution process.

Students with disabilities are not obligated to disclose their disability nor request disability-related modifications. However, if a student does reveal their disability status to the Title IX Coordinator, the Coordinator is encouraged to discuss available support options with the student, which may include services provided by the College's Disability Support Services Office.

Examples of supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus and other similar measures. These measures will be kept confidential, to the extent maintaining that confidentiality does not impair the College's ability to provide the supportive measures.

Sanctions: Consequences imposed on a respondent following a determination under Title IX that the respondent violated the College's prohibition on sex discrimination.

SECTION 3: Reporting Sex Discrimination, Sex-Based Harassment, and Retaliation

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. All non-confidential college employees (student employees, faculty, staff, administrators) are required to immediately report information about conduct that reasonably may constitute sex discrimination, sex-based harassment, or retaliation to a Title IX Coordinator.

Individuals may report sex discrimination, sex-based harassment, or retaliation in the following manner:

Confidential Reporting

If a reporting person would like the details of an incident be kept confidential, they should speak with a licensed counselor, members of the clergy and chaplains, or off-campus rape crisis resources, such as Domestic and Sexual Abuse Services at 1-800-828-2023 (crisis line).

On campus, licensed counselors can maintain confidentiality – meaning they are not required to report actual or suspected discrimination, harassment, or retaliation to appropriate university officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. After receiving a report about conduct that may reasonably constitute sex discrimination, the confidential employee will share information with the reporting person about Title IX and its regulations, including the confidential employee's status, how to contact the Title IX Coordinator, how to make a complaint, and how to obtain additional information about possible supportive measures and options for resolution. On-campus, licensed counselors are available in the Student Services Department.

If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. They will be able to inform you of their duties, and help you make decisions about who can best assist you. Those who are able to maintain confidentiality will do so except in extreme cases of immediate threat or danger or in the abuse of a minor.

Personally identifiable information will be shared in the event that the incident reveals a need to protect you or other members of the community. If personally identifiable information is shared, it will only be shared as necessary with as few people as possible, and all efforts will be made to protect your privacy.

Reporting to a Title IX Coordinator

Reporting parties may file a report or complaint of sex discrimination, sex-based harassment, or retaliation at www.glenoaks.edu (<http://www.glenoaks.edu/>) by clicking on the Report a Concern tab. This report submits to the College's Title IX Coordinator, who will review the allegations and determine if they fall within the scope of this Policy or would constitute some other Policy violation. Reporting parties may also directly contact a Title IX Coordinator (as described above), or another school administrator, with whom the reporting party feels comfortable making a report or complaint. Students and employees have the right to have incidents of sex discrimination, sex-based harassment, or retaliation investigated and properly resolved through a grievance process. Information will be shared as necessary with the complainant, respondent, and appropriate college administrators who play a role in the grievance process.

Anonymous reports are accepted, but the report may give rise to a need to determine the involved persons' identities. Anonymous reports typically limit the College's ability to investigate, respond, and provide remedies, depending on what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted. It may also inhibit the College's ability to provide supportive measures to complainants who are the subject of the report.

If a complainant wishes to remain anonymous, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the complainant may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the College will likely be unable to honor a request that no investigation take place but will maintain confidentiality to the extent possible. In cases where the complainant requests confidentiality and the circumstances allow the College to honor that request, the College will offer supportive measures, but will not otherwise pursue formal action. A complainant has the right, and can expect, to have reports taken seriously by the College, and when reported, to have those incidents investigated and properly resolved through these grievance procedures.

There is no time limitation on filing reports or complaints to the Title IX Coordinator. However, if the respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Title IX Coordinator's discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

SECTION 4: College Reporting Obligations Title IX Employee Reporting Obligations

All non-confidential college employees (student employees, faculty, staff, administrators) are required to immediately report information about conduct that reasonably may constitute sex discrimination, sex-based harassment, or retaliation to a Title IX Coordinator.

Federal Statistical Reporting Obligations

Certain campus officials have a duty to report sexual misconduct for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, campus law enforcement, local police, coaches, student activities staff, human resources staff, academic advisors, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident using Clery location categories and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

Federal Timely Warning Reporting Obligations

Victims of sexual misconduct should also be aware that college administrators must issue immediate timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to any member of the campus community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed in the above paragraph.

SECTION 5: Eligibility to File Complaints

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the College investigate and make a determination about alleged discrimination under Title IX or this part:

1. A complainant, as defined above;
2. A parent, guardian, or other authorized legal representative who has the legal right to act on behalf of a complainant; or
3. The College's Title IX Coordinator;
4. With respect to complaints of sex discrimination other than sex-based harassment, in addition to the persons listed in the above paragraph of this section:
 - i. Any student or employee; or
 - ii. Any person other than a student or employee who was participating or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination.

SECTION 6: Grievance Procedure for Sex Discrimination Complaints (Not Sex-Based Harassment)

Glen Oaks Community College has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Any person who believes they have been subjected to (or witnessed) sex discrimination in any program or activity of the College should report that concern at www.glenoaks.edu (<http://www.glenoaks.edu/>) by clicking on the Report a Concern tab on the home page. This report is directed to the College's Title IX Coordinator, who will review the allegations made and determine if they fall within the scope of this Policy or would constitute some other violation of College Policy. Reporting parties

may also contact a Title IX Coordinator (as described above). If the concern involves a Title IX Coordinator, and the complainant does not feel comfortable reporting to one of the other Title IX Coordinators, a report may be made to the President of the College.

Glen Oaks Community College will treat complainants and respondents equitably. The College requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

The College presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Glen Oaks has established the following timeframes for the major stages of the grievance procedures:

- Evaluation – five (5) calendar days
- Investigation – forty-five (45) calendar days
- Determination – within sixty (60) calendar days of receiving a complaint
- Appeal – five (5) calendar days after determination is issued

The College has also established a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay (e.g., witness availability, complexity of allegations, law enforcement involvement, etc.)

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

The College will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Glen Oaks to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other

than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations

Upon initiation of the College's Title IX grievance procedures, the College will notify the parties of the following:

- The College's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the College provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the College decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the College will notify the parties of the additional allegations.

Dismissal of a Complaint

Glen Oaks may dismiss a complaint of sex discrimination if:

- The College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the College's education program or activity and is not employed by Glen Oaks;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the College determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the College will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the College will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

Glen Oaks will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent

has been notified of the allegations, then the College will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the College will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the College's education program or activity.

Investigation

Glen Oaks will provide for adequate, reliable, and impartial investigation of complaints. The burden is on the College – not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Glen Oaks will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. The College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The College will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- The College will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the College provides a description of the evidence, the College will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;

- The College will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- The College will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning Parties and Witnesses

Glen Oaks will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. This process will:

- allow the decisionmaker to ask such questions during individual meetings with a party or witnesses;
- allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
- provide each party with an audio or audiovisual recording or transcript and allow each party to have a reasonable opportunity to propose follow-up questions.

Procedures for the Decisionmaker to Evaluate Questions and Limitations on Questions

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to relevant, permissible questions. The decisionmaker will not draw an inference about whether sex discrimination or sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Glen Oaks will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;

- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people the College identifies as having had equal access to the College's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the College's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeals

If either party disagrees with the determination of responsibility or with the dismissal of a complaint, the party may file a written appeal to the Title IX Coordinator within five (5) business days of the date the determination or dismissal letter was issued.

The College will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome and that was not reasonably available when the determination of whether sex-based harassment occurred or dismissal was made;
3. The Title IX Coordinator, investigator(s) or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the appeal meets one of the bases above for consideration, the Title IX Coordinator will assign the appeal to an Appellate Officer who has received requisite training and is without conflict of interest or bias. The Appellate Officer will not be the investigator(s), Title IX Coordinator, or decisionmaker.

The Title IX Coordinator will provide the non-appealing party a copy of the appeal. The non-appealing party will have two (2) business days to file a statement in support of, or challenging, the outcome. (The non-appealing party may waive that right).

The appeal documentation will then be forwarded to the Appellate Officer for review.

The Appellate Officer may make the following determinations:

1. Refer the case back to the Title IX Coordinator based on:
 - a. New evidence submitted in the appeal which could substantially impact the original finding or sanction.

- b. Procedural or substantial error requiring further action to correct the error.
2. Uphold the determination(s) and sanction(s).
3. Uphold the determination(s) but reduce the sanction(s) because the sanction(s) are substantially disproportionate to the determination(s).

All decisions of the Appellate Officer will be accompanied by the rationale for the decision. Parties shall be notified of the Appellate Officer's decision in writing within five (5) business days of the Appellate Officer's receipt of the appeal documentation (if no rebuttal is submitted) or within five (5) business days of receipt of the rebuttal documentation (if submitted).

During the appeal process, the imposed sanction(s) will remain in effect.

The determination of responsibility or the dismissal of the complaint will be considered final when:

1. neither party files a written appeal with the Title IX Coordinator within the timeline for appeal required in this part; or
2. the Appellate Officer has issued a written decision, whichever occurs last.

This appeal process will be, at minimum, the same that the College offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.

Informal Resolution

In lieu of resolving a complaint through the College's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. Glen Oaks does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

Supportive Measures

Glen Oaks will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access the College's education program or activity or provide support during the College's Title IX grievance procedures or during the informal resolution process. Supportive measures may include, but are not limited to:

- counseling
- extensions of deadlines or other course-related adjustments, modifications of work or class schedules
- campus escort services
- mutual restrictions on contact between parties
- changes in work or housing locations
- leaves of absence
- increased monitoring of certain areas of campus

Disciplinary Sanctions and Remedies

Following a determination that sex discrimination occurred, the College may impose disciplinary sanction(s), which may include, but are not limited to:

- Verbal warning
- Written warning
- Advisory letter

- Monitoring
- Performance improvement/management process
- Required counseling or therapy
- Required training or education
- Campus access restrictions
- No trespass order (with respect to campus locations)
- No contact directive (with respect to an individual)
- Loss of privileges
- Loss of oversight, teaching or supervisory responsibility
- Probation
- Demotion
- Loss of pay increase
- Transfer (employment)
- Revocation of offer (employment or admissions)
- Disciplinary suspension
- Suspension with pay
- Suspension without pay
- Exclusion
- Expulsion
- Degree revocation
- Termination of employment
- Revocation of tenure
- Termination of contract (with respect to contractors)

Sanctions will be imposed in accordance with relevant policies and/or procedures and other requirements set forth in the applicable Staff/Faculty Handbooks, Student Code of Conduct, collective bargaining agreements, other policies or handbooks that may be developed over time, or contracts.

Remedies may include, but are not limited to:

- Educational programming or training
- Support direct conversation or interaction with the other party
- Counseling or other support services

The College may assign other sanctions and remedies as appropriate in each particular situation.

In addition, the College may take steps to remediate the effects of a violation on the complainant and others. Following an investigation, the College may extend interim protective measures and accommodations, and/or take other measures to eliminate any hostile environment caused by the sex discrimination, prevent the recurrence of any sex discrimination, and remedy the effects of the sex discrimination on the complainant and the College community. Such measures may include, but are not limited to, the interim measures and accommodations referenced in this policy, as well as counseling, training, and other preventative measures.

Retaliation

Retaliation against a person for making a good faith complaint of sex discrimination is prohibited. Any complainant who believes that they been retaliated against for making a complaint of sex discrimination under this Policy should notify the Title IX Coordinator and that complaint will be handled according to the grievance procedures provided in this Section.

SECTION 7: Grievance Procedure for Sex-Based Harassment Complaints Involving Students

Glen Oaks has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. The following grievance procedures address complaints of sex-based harassment that involve a student party.

Glen Oaks may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Basic Requirements of Title IX Grievance Procedure

Glen Oaks Community College will treat complainants and respondents equitably. The College requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

The College presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Glen Oaks has established the following timeframes for the major stages of the grievance procedures:

- Evaluation – five (5) calendar days
- Investigation – forty-five (45) calendar days
- Determination – within sixty (60) calendar days of receiving a complaint
- Appeal – five (5) calendar days after determination is issued

The College has also established a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay (e.g., witness availability, complexity of allegations, law enforcement involvement, etc.)

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

The College will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Glen Oaks to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential

employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations

Upon initiation of the College's Title IX grievance procedures, the College will notify the parties of the following:

- The College's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures.
- Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.
- The name(s) of the Investigator(s), along with a process to identify to the Title IX Coordinator any conflict of interest.
- Detail how a party may request disability accommodations during the resolution process.
- The College's Student Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, the College decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the College will notify the parties of the additional allegations.

Dismissal of a Complaint

Glen Oaks may dismiss a complaint of sex discrimination if:

- The College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the College's education program or activity and is not employed by Glen Oaks;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the College determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the College will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the College will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

Glen Oaks will notify the complainant that a dismissal may be appealed on the bases outlined in the Appeals section. If the dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent that the dismissal may be appealed on the same bases. If the dismissal is appealed, the College will follow the procedures outlined in the Appeals section.

When a complaint is dismissed, the College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the College's education program or activity.

Investigation

Glen Oaks will provide for adequate, reliable, and impartial investigation of complaints. The burden is on the College – not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The College will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

The College will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- The College will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- The College may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

The College will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

Glen Oaks will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. The College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The College will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- The College will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence or the same written investigative report that accurately summarizes the evidence. If the College provides access to an investigative report, the College will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- The College will provide a reasonable opportunity to review and respond to the evidence or investigative report. The College will conduct a live hearing as part of its grievance procedures, and parties and advisors will have an opportunity to review the evidence in advance of the live hearing. The College may decide whether to provide this opportunity to respond prior to the live hearing, during the live hearing, or both prior to and during the live hearing; and
- The College will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Questioning Parties and Witnesses

Glen Oaks will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

Questioning in a Live Hearing

The College's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions
- Allow each party's advisor to ask such questions that the party wants asked of any party, subject to the procedures for evaluating and limiting questions discussed below. A party may not directly cross-examine another party or witness.

The College will conduct the live hearing with the parties physically present in the same geographic location or, at the College's discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

The College will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

Questioning When a Live Hearing Is Not Required

In cases in which a live hearing is not required:

- The investigator or decisionmaker may ask relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, during individual meetings;
- The College will allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

Procedures for the Decisionmaker to Evaluate the Questions and Limitations on Questions

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Glen Oaks will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 - a description of the alleged sex-based harassment;
 - the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
 - information about the policies and procedures that the College used to evaluate the allegations;
 - the decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred

- When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions the College will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by Glen Oaks to the complainant, and, to the extent appropriate, other students identified by the College to be experiencing the effects of the sex-based harassment; and
- the College's procedures and permissible bases for the complainant and respondent to appeal.

- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people the College identifies as having had equal access to the College's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions against the respondent; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the College's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeals

If either party disagrees with the determination of responsibility or with the dismissal of a complaint, the party may file a written appeal to the Title IX Coordinator within five (5) business days of the date the determination or dismissal letter was issued.

The College will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome and that was not reasonably available when the determination of whether sex-based harassment occurred or dismissal was made; and
3. The Title IX Coordinator, investigator(s) or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the appeal meets one of the bases above for consideration, the Title IX Coordinator will assign the appeal to an Appellate Officer who has received requisite training and is without conflict of interest or bias. The Appellate Officer will not be the investigator(s), Title IX Coordinator, or decisionmaker.

The Title IX Coordinator will provide the non-appealing party a copy of the appeal. The non-appealing party will have two (2) business days to file a

statement in support of, or challenging, the outcome. (The non-appealing party may waive that right).

The appeal documentation and rebuttal of the appeal will then be forwarded to the Appellate Officer for review.

The Appellate Officer may make the following determinations:

1. Refer the case back to the Title IX Coordinator based on:
 - a. New evidence submitted in the appeal which could substantially impact the original finding or sanction.
 - b. Procedural or substantial error requiring further action to correct the error.
2. Uphold the determination(s) and sanction(s).
3. Uphold the determination(s) but reduce the sanction(s) because the sanction(s) are substantially disproportionate to the determination(s).

All decisions of the Appellate Officer will be accompanied by the rationale for the decision. Parties shall be notified of the Appellate Officer's decision in writing within five (5) business days of the Appellate Officer's receipt of the rebuttal documentation.

During the appeal process, the imposed sanction(s) will remain in effect.

The determination of responsibility or the dismissal of the complaint will be considered final when:

1. neither party files a written appeal with the Title IX Coordinator within the timeline for appeal required in this part; or
2. the Appellate Officer has issued a written decision, whichever occurs last.

Any additional procedures or bases for appeal Glen Oaks offers will be equally available to all parties.

Informal Resolution

In lieu of resolving a complaint through the College's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. Glen Oaks does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, the College will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the College will maintain and whether and how the College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Supportive Measures

Glen Oaks will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the College's education program or activity or provide support during the College's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include, but are not limited to:

- counseling
- extensions of deadlines or other course-related adjustments, modifications of work or class schedules
- campus escort services
- mutual restrictions on contact between parties
- changes in work or housing locations
- leaves of absence
- increased monitoring of certain areas of campus

Disciplinary Sanctions and Remedies

Following a determination that sex-based harassment occurred, the College may impose disciplinary sanction, which may include, but are not limited to:

- Verbal warning
- Written warning
- Advisory letter
- Monitoring
- Disciplinary hold on academic and/or financial records
- Performance improvement/management process
- Required counseling or therapy
- Required training or education
- Campus access restrictions
- No trespass order issued by security (with respect to campus locations)
- No contact directive (with respect to an individual)
- Loss of privileges
- Loss of oversight, teaching or supervisory responsibility
- Probation
- Demotion
- Loss of pay increase
- Transfer (employment)
- Revocation of offer (employment or admissions)
- Disciplinary suspension
- Suspension with pay
- Suspension without pay
- Exclusion
- Expulsion
- Degree revocation
- Termination of employment
- Revocation of tenure
- Termination of contract (for contractors)

Sanctions will be imposed in accordance with relevant policies and/or procedures and other requirements set forth in the applicable Staff/Faculty Handbooks, Student Code of Conduct, collective bargaining agreements, other policies or handbooks that may be developed over time, or contracts.

Remedies may include, but are not limited to:

- Educational programming or training
- Support direct conversation or interaction with the other party
- Counseling or other support services

The College may assign other sanctions or remedies as appropriate in each particular situation.

In addition, the College may take steps to remediate the effects of a violation on the Complainant and others. Following an investigation, the College may extend interim protective measures and accommodations, and/or take other measures to eliminate any hostile environment caused by the sex discrimination, prevent the recurrence of any sex discrimination, and remedy the effects of the sex discrimination on the Complainant and the College community. Such measures may include, but are not limited to, the interim measures and accommodations referenced in this policy, as well as counseling, training, and other preventative measures.

Retaliation

Retaliation against a person for making a good faith complaint of sex discrimination is prohibited. Any complainant who believes that they been retaliated against for making a complaint of sex discrimination under this Policy should notify the Title IX Coordinator and that complaint will be handled according to the grievance procedures provided in this Section.

SECTION 8: Grievance Procedures for Sex-Based Harassment (Employee to Employee) Complaints

Glen Oaks has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by employees or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that do not involve a student party.

Glen Oaks may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Basic Requirements of Title IX Grievance Procedure

Glen Oaks Community College will treat complainants and respondents equitably. The College requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

The College presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Glen Oaks has established the following timeframes for the major stages of the grievance procedures:

- Evaluation – five (5) calendar days
- Investigation – forty-five (45) calendar days

- Determination – within sixty (60) calendar days of receiving a complaint
- Appeal – five (5) calendar days after determination is issued

The College has also established a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay (e.g., witness availability, complexity of allegations, law enforcement involvement, etc.)

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

The College will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Glen Oaks to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations

Upon initiation of the College's Title IX grievance procedures, the College will notify the parties of the following:

- The College's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;

- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures.
- Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.

If, in the course of an investigation, the College decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the College will notify the parties of the additional allegations.

Dismissal of a Complaint

Glen Oaks may dismiss a complaint of sex discrimination if:

- The College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the College's education program or activity and is not employed by Glen Oaks;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the College determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the College will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the College will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

Glen Oaks will notify the complainant that a dismissal may be appealed on the bases outlined in the Appeals section. If the dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent that the dismissal may be appealed on the same bases. If the dismissal is appealed, the College will follow the procedures outlined in the Appeals section.

When a complaint is dismissed, the College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the College's education program or activity.

Investigation

Glen Oaks will provide for adequate, reliable, and impartial investigation of complaints. The burden is on the College – not on the parties—to

conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The College will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

Glen Oaks will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. The College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The College will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- The College will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence or an investigative report with an accurate description of this evidence. If the College provides access to an investigative report, the College will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- The College will provide a reasonable opportunity to respond to the evidence or investigative report; and
- The College will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Questioning Parties and Witnesses

Typically, the person who investigates the complaint will be the same person who makes the determination of whether sex discrimination occurred. In the event a different person must make the determination (e.g., the investigator becomes unavailable or develops a conflict), prior to making the determination, the decisionmaker will question the parties and witnesses, either in writing or orally, in order to adequately assess a party's or witness's credibility. This questioning is only required to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Glen Oaks will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination including procedures and permissible basis for the complainant and respondent to appeal.
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.

- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people the College identifies as having had equal access to the College's education program or activity limited or denied by sex discrimination; and
 - Coordinate imposition of disciplinary sanctions against the respondent
- Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the College's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeals

If either party disagrees with the determination of responsibility or with the dismissal of a complaint, the party may file a written appeal to the Title IX Coordinator within five (5) business days of the date stated on the Determination or Dismissal Letter.

The College will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome and that was not reasonably available when the determination of whether sex-based harassment occurred or dismissal was made; and
3. The Title IX Coordinator, investigator(s) or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the appeal meets one of the bases above for consideration, the Title IX Coordinator will assign the appeal to an Appellate Officer who has received requisite training and is without conflict of interest or bias. The Appellate Officer will not be the Investigator(s), Title IX Coordinator, or Decision-maker.

The Title IX Coordinator will provide the non-appealing party a copy of the appeal. The non-appealing party will have two (2) business days to file a statement in support of, or challenging, the outcome. (The non-appealing party may waive that right).

The appeal documentation and rebuttal of the appeal will then be forwarded to the Appellate Officer for review.

The Appellate Officer may make the following determinations:

1. Refer the case back to the Title IX Coordinator based on:
 - a. New evidence submitted in the appeal which could substantially impact the original finding or sanction.
 - b. Procedural or substantial error requiring further action to correct the error.
2. Uphold the determination(s) and sanction(s).
3. Uphold the determination(s) but reduce the sanction(s) because the sanction(s) are substantially disproportionate to the determination(s).

All decisions of the Appellate Officer will be accompanied by the rationale for the decision. Parties shall be notified of the Appellate Officer's decision in writing via GOCC email within five (5) business days of the Appellate Officer's receipt of the rebuttal documentation.

During the appeal process, the imposed sanction(s) will remain in effect.

The determination of responsibility or the dismissal of the complaint will be considered final when:

1. neither party files a written appeal with the Title IX Coordinator within the timeline for appeal required in this part; or
2. the Appellate Officer has issued a written decision, whichever occurs last.

Any additional procedures or bases for appeal Glen Oaks offers will be equally available to all parties.

Informal Resolution

In lieu of resolving a complaint through the College's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. Glen Oaks does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, the College will explain in writing to the parties:

- the allegations;
- the requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the College will maintain and whether and how the College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Supportive Measures

Glen Oaks will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the College's education program or activity or provide support during the College's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include, but are not limited to:

- counseling
- extensions of deadlines or other course-related adjustments, modifications of work or class schedules
- campus escort services
- mutual restrictions on contact between parties
- changes in work locations
- leaves of absence
- increased monitoring of certain areas of campus

Disciplinary Sanctions and Remedies

Following a determination that sex-based harassment occurred, the College may impose disciplinary sanctions, which may include discipline ranging from a verbal warning up to and including expulsion, termination of employment, or exclusion from the College's programs and activities.

The College may also provide remedies, including counseling, providing academic resources and support, or any other remedies the College deems appropriate.

SECTION 9: Additional Policy Provisions

Attempted violations

In most circumstances, the College will treat attempts to commit any of the violations listed in this policy as violations of the policy.

False Reports

The College will not tolerate intentional false reporting of incidents. It is a violation of this Policy, the Student Code of Conduct and employee handbook to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Encouraging Reporting for Complainant, Respondents, and Witnesses

The college community encourages the open, honest and accurate reporting of violations of college policies, and understands that complainants, respondents or witnesses are sometimes hesitant to report to college officials or participate in grievance processes because they fear that they themselves may be charged with policy violations, such as underage drinking, that occurred at the time of the incident. To promote open, honest and accurate reporting, it is the College's policy *not* to impose disciplinary penalties on complainants, respondents, and witnesses for minor policy violations related to the incident. While violations cannot be completely overlooked, the college will provide educational rather than punitive responses in such cases.

Right to Privacy

The College will not disclose personally identifiable information, except in the following circumstances:

1. When the recipient has obtained prior written consent from a person with the legal right to consent to the disclosure;
2. When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
3. To carry out the purposes of this part, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX in the recipient's education program or activity;
4. As required by Federal law, Federal regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or
5. To the extent such disclosures are not otherwise in conflict with Title IX or this part, when required by State or local law or when permitted under FERPA or its implementing regulations.

Approved by the Board of Trustees 8/13/20, revised 8/25/21, reviewed 3/9/23, updated 7/31/24, submitted for board approval 7/29/24, Approved by the Board of Trustees 8/8/24.