

# AP 139A – Sexual Harassment Procedure

Associated Board Policy: 139

Procedure Owner: Executive Director of Student Affairs

Related Procedures: AP139b – The 7 Steps of the Sexual Harassment Process

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## **I. Procedure Scope and Purpose**

It is Cowley College’s intent that this procedure will provide a prompt, fair, and impartial investigation and resolution process. The College recognizes that time is of the essence in the investigation, Hearing, decision making, and appeal processes. The College will make every reasonable effort to conclude its full investigation of a complaint, hearing, decision, and processing of any appeal within reasonably timely manner from its receipt of a complaint.

## **II. Definitions**

## **III. Procedure**

Formal Grievance Procedure: Notice of Investigation and Allegations

The Title IX Coordinator will provide written Notice Of the Investigation and Allegations (the “NOIA”) to the Respondent upon the start of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Reporting Party, who is given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

1. A meaningful summary of all the allegations,
2. The identity of the involved parties (if known),
3. The precise misconduct being alleged,
4. The date and location of the alleged incident(s) (if known)
5. The specific policies implicated,
6. A description of the applicable procedures,
7. A statement of the potential sanctions/responsive actions that could result,
8. A statement that the College presumes the Respondent is not responsible for reported misconduct unless and until the evidence supports a different determination,
9. A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
10. A statement about the College’s policy on retaliation,

11. Information about the privacy of the process,
  12. Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an advisor,
  13. A statement informing the parties that college policy prohibits knowingly making a false statement's, including knowingly submitting false information during the resolution process,
  14. Detail on how the party may request disability accommodations during the interview process,
  15. The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
  16. An instruction to preserve any evidence that is directly related to the allegations.
- Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges. Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official college records, or emailed to the parties' college issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

#### A. Appointment of Investigator

Once the decision to begin a formal investigation is made, the Title IX Coordinator will appoint an investigator to conduct the investigation usually within two business days of determining that an investigation should proceed.

#### B. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process (including the Title IX Coordinator, Investigator(s), and Hearing Officer(s)) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Reporting Party or Respondent. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the College will determine whether the concern is reasonable and supportable. If so, another team member will be assigned and the impact of the bias or conflict, if any, will be remedied.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Reporting Party, Respondent, or witness. The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

#### C. Investigation Timeline

Investigations are completed expeditiously and in a timely manner, however some investigations take longer than others, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

#### D. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator typically takes the following steps, if not already completed (not necessarily in this order):

1. Determine the identity and contact information of the Reporting Party
2. In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary interim/supportive measures
3. Identify all policies implicated by the alleged misconduct and notify the Reporting Party and Respondent of all of the specific policies implicated
4. Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
5. Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
6. Meet with the Reporting Party to finalize their interview/statement, if necessary
7. Provide each interviewed party and witness an opportunity to review and verify the investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
8. Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible

9. When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants purpose
10. Interview all available, relevant witnesses and conduct follow-up interviews as necessary
11. Allow each party the opportunity to suggest witnesses, and questions they wish the investigator to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
12. Complete the investigation promptly and without unreasonable deviation from the intended timeframe
13. Provide regular status updates to the parties throughout the investigation
14. Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if desired by the parties) with a list of witnesses whose information will be used to render a finding
15. Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
16. Prior to the conclusion of the investigation, provide parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a determination, for a ten business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days
17. The Investigator may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
18. The Investigator will incorporate relevant elements of the parties' written responses into the final investigation report, including any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator should document all rationales for any changes made after the review and comment period
19. The Investigator shares the report with the Title IX Coordinator for review and feedback
20. The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at

least ten business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

#### E. Role and Participation of Witnesses in the Investigation

Witnesses who are employees of the College are expected to cooperate with and participate in the College's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances may require individuals to be interviewed remotely. Zoom, FaceTime, or similar technologies may be used for interviews if the Investigator determines that timeliness or efficiency dictate a need for remote interviewing. The College will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator, though not preferred. The College reserves the right to not interview character witnesses.

#### F. Recording of Interviews

If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

#### G. Evidentiary Considerations in the Investigation and Hearing

The investigation and/or hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Reporting Party's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Reporting Party's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Reporting Party, or if the questions and evidence concern specific incidents of the Reporting Party's prior sexual behavior with respect to the Respondent and are offered to prove consent.

#### H. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties; the Title IX Coordinator will refer the matter for a hearing. The hearing cannot be less than ten business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Hearing officer unless all parties and the Hearing officer agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Hearing Officer depending on whether the Respondent is an employee or a student. Allegations involving student-employees in the context of their employment will be directed to the appropriate Hearing Officer depending on the context and nature of the alleged misconduct.

#### I. Evidentiary Considerations in the Hearing

Any evidence that the Hearing Officer determine is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Reporting Party's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Reporting Party's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Reporting Party, or if the questions and evidence concern specific incidents of the Reporting Party's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Hearing officer at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Hearing officer renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

#### J. Notice of Hearing

1. No less than ten business days prior to the hearing, the Title IX Coordinator or the Hearing Officer will send notice of the hearing to the parties. Once mailed, emailed, and/or received inperson, notice will be presumptively delivered.
2. The notice will contain a description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
3. The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
4. Any technology that will be used to facilitate the hearing.
5. Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Hearing Officer and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator or the Hearing Officer at least five business days prior to the hearing.
6. A list of all those who will attend the hearing, along with an invitation to object to any Hearing officer on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two business days prior to the hearing.

7. Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
8. A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Hearing officer may reschedule the hearing.
9. Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the College will appoint one. Each party must have an Advisor present. There are no exceptions.
10. A copy of all the materials provided to the Hearing Officer about the matter, unless they have been provided already.
11. An invitation to each party to submit to the Hearing Officer an impact statement prehearing that the Hearing Officer will review during any sanction determination.
12. An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven business days prior to the hearing.
13. Whether parties can/cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College. In these cases, if the Respondent is a graduating student, a hold may be placed on graduation, official transcripts and/or revocation of degree until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

#### K. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Hearing Officer at least five business days prior to the hearing.

The Title IX Coordinator or the Hearing Officer can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Hearing Officer know at least five business days prior to the hearing so that appropriate arrangements can be made.

#### L. Pre-Hearing Preparation

The Hearing Officer after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to all parties at least ten business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) unless all parties and the Hearing Officer assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Hearing Officer do not assent to the admission of evidence newly offered at the hearing, the Hearing Officer may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence. The Title IX Coordinator will give the Hearing Officer a list of the names of all parties, witnesses, and Advisors at least five business days in advance of the hearing. Any Hearing Officer who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Hearing Officer is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten-business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Hearing Officer at the hearing and will be exchanged between each party by the Hearing Officer.

#### M. Pre-Hearing Meetings

The Hearing Officer may convene a pre-hearing meeting(s) with the parties and their Advisors (if desired) to invite them to submit the questions or topics they wish to ask or discuss at the hearing, so that the Hearing Officer can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Hearing Officer must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Hearing Officer, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor (if desired), the Hearing Officer will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Hearing Officer may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Hearing



Officer may consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-hearing meetings.

#### N. Hearing Procedures

At the hearing, the Hearing Officer has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing will include the Hearing Officer, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the Title IX Coordinator, and anyone providing authorized accommodations or assistive services.

The Hearing Officer will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Hearing Officer will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Hearing Officer and the parties and the witnesses will then be excused.

#### O. Joint Hearings

In hearings involving more than one Respondent or in which two or more Reporting Parties have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

#### P. The Order of the Hearing – Introductions and Explanation of Procedure

The Hearing Officer explains the procedures, introduces the participants, and conducts the hearing. The Title IX Coordinator (or designee) manages the recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process.

#### Q. Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Hearing Officer and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Hearing Officer should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Hearing Officer will direct that it be disregarded.

#### R. Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Reporting Party, and then in the order determined by the Hearing Officer. The parties/witnesses will submit to questioning by the Hearing Officer and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Hearing Officer. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing, orally is the default, but other means of submission may be permitted by the Hearing Officer upon request if agreed to by all parties and the Hearing Officer, the proceeding will pause to allow the Hearing Officer to consider it (and state it if it has not been stated aloud), and the Hearing Officer will determine whether the question will be permitted, disallowed, or rephrased.

The Hearing Officer may invite explanations or persuasive statements regarding relevance with the Advisors, if the Hearing Officer so chooses. The Hearing Officer will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Hearing Officer will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Hearing Officer will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Hearing Officer has final say on all questions and determinations of relevance. The Hearing Officer may consult with legal counsel on any questions of admissibility. The Hearing Officer may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Hearing Officer has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Hearing Officer at the hearing, the Hearing Officer may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Hearing Officer should not permit irrelevant questions that probe for bias.

#### S. Refusal to Submit to Cross-Examination and Inferences

Whether a party or witness does or does not answer questions from the Hearing Officer, their statements will be admissible. The Hearing Officer may not draw any inference solely from a party’s or witness’s absence from the hearing or refusal to answer cross-examination or other questions. If charges of policy violations other than sexual harassment are considered at the same hearing, the Hearing Officer may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw

reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with the College's established rules of decorum for the hearing, the College may require the party to use a different Advisor. If a college-provided Advisor refuses to comply with the rules of decorum, the College may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

#### T. Recording Hearings

Hearings are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Hearing Officer, the parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

#### U. Deliberation, Decision-making, and Standard of Proof

The Hearing Officer will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. The preponderance of the evidence standard of proof is used.

When there is a finding of responsibility on one or more of the allegations, the Hearing Officer may then consider the previously submitted party impact statements in determining appropriate sanction(s). The Hearing Officer will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Hearing Officer may – at their discretion – consider the statements, but they are not binding.

The Hearing Officer will review the statements and any pertinent conduct history provided by appropriate administrators and will recommend/determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Hearing Officer will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions (or recommendations).

This report must be submitted to the Title IX Coordinator within two business days of the end of the deliberations, unless the Title IX Coordinator grants an extension. If an extension is necessary, the Title IX Coordinator will notify the parties.

#### V. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Hearing Officer to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within five business days of receiving the Hearing Officers' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' college-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any sanctions issued which the College is permitted to share according to state or federal law; and any remedies provided to the Reporting Party designed to ensure access to the College's educational or employment program or activity, to the extent the College is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

#### W. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

1. The nature, severity of, and circumstances surrounding the violation(s)
2. The Respondent's disciplinary history
3. Previous allegations or allegations involving similar conduct
4. The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation

5. The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
6. The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Reporting Party and the community
7. The impact on the parties
8. Any other information deemed relevant by the Hearing Officer

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

#### X. Student Sanctions

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

1. **Required Counseling:** A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects
2. **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
3. **Suspension:** Termination of student status for a definite period of time until specific criteria are met. Students who return from suspension may be placed on probation through the remainder of their tenure as a student at Cowley College.
4. **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend college-sponsored events.
5. **Withholding Transcripts/Diploma:** The College may withhold a student's transcripts and/or diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for an alleged violation.
6. **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

#### Y. Employee Sanctions/Responsive Actions

Sanctions/responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

1. Warning – Verbal or Written
2. Performance Improvement/Management Process
3. Required Counseling
4. Required Training or Education
5. Probation
6. Loss of Oversight or Supervisory Responsibility
7. Demotion
8. Suspension with pay
9. Suspension without pay
10. Termination
11. Other Actions: In addition to or in place of the above sanctions/responsive actions, the College may assign any other sanctions/responsive actions as deemed appropriate.

#### Z. Withdrawal or Resignation While Charges Pending

Students: Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the College, the resolution process ends, as the College no longer has disciplinary jurisdiction over the withdrawn student.

However, the College will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the College. Such exclusion applies to all campuses of Cowley College. They may also be barred from college property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to Cowley College unless and until all sanctions have been satisfied.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the College no longer has disciplinary jurisdiction over the resigned employee. However, the College will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with Cowley College, and the records retained by the Title IX Coordinator and Human Resources will reflect that status.

#### AA. Recordkeeping

Cowley College will maintain for a period of at least seven years' records of

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Hearing Officers, and any person who facilitates an Informal Resolution process. The College will make these training materials publicly available on the College website; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including: The basis for all conclusions that the response was not deliberately indifferent; any measures designed to restore or preserve equal access to the College's education program or activity; and, if no supportive measures were provided to the Reporting Party, document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The College will also maintain any and all records in accordance with state and federal laws.

#### BB. Disabilities Accommodations in the Resolution Process

Cowley College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's resolution process.

Anyone needing such accommodations or support should contact the Student Accessibility Coordinator, who will review the request and, in consultation with the person requesting the accommodation and, determine which accommodations are appropriate and necessary for full participation in the process.

#### CC. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures. If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

USE AND ADAPTATION OF THIS MODEL POLICY WITH CITATION TO ATIXA IS PERMITTED  
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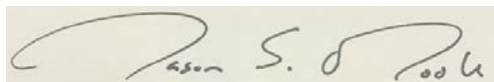
#### I. Effective Date(s)

This procedure will become effective: August 1, 2020

Revised on: December 14, 2020

#### II. Signature and Title

This procedure is implemented by:

A handwritten signature in black ink on a light-colored background. The signature appears to read "Jason S. Poole".

Title: Executive Director of Student Affairs