

# Black River Technical College Sexual Harassment Policy (Title IX)



## Policy Statement

No person at Black River Technical College will, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to sex discrimination, sexual harassment, or sexual misconduct under any educational program or activity.

## Introduction

Members of the college community, guests and visitors have the right to be free from sexual discrimination, harassment or violence, which means that all members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Black River Technical College is committed to fostering a learning and working environment that is free from prohibited sexual or gender based discrimination and harassment. Black River Technical College believes in a zero tolerance policy for gender-based misconduct. When an allegation of misconduct is identified and reported, and the respondent is found to have violated this policy, sanctions will be implemented to ensure that such actions are never repeated. These procedures have been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. The policy and procedures are intended to define community expectations and establish a mechanism for determining when those expectations have been violated.

Black River Technical College also complies with the 2013 Violence Against Women Act—Section 304. In compliance with VAWA, Black River Technical College has established policies, procedures, resources and educational programming to address sexual assault, dating violence, domestic violence and stalking, to affirm that BRTC students and employees are provided with a safe learning and working environment.

## Jurisdiction

BRTC's Title IX policy protects students, employees, and visitors during all academic, educational, extracurricular, and other programs of the school, whether these programs take place in school facilities, in college transportation, or at a class or training program sponsored by the school at another location.

## Definition of Terms

**Complainant:** Any party who makes a complaint/grievance against another student, employee, staff member, or campus visitor.

**Respondent:** The person(s) against whom a complaint has been made.

**Definition of Status:** A fulltime employee will be considered as an employee, regardless of student status. A student who is a part-time employee will be considered a student unless the incident under consideration occurred in connection with employment.

**Discrimination:** Actions that deprive the members of the community of educational or employment access, benefits or opportunities or any discrimination, preference, advantage for or detriment to an individual compared to others that is based upon an individual's actual or perceived gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or sexual orientation that is so severe, persistent, or pervasive that it unreasonably interferes with or limits a person's ability to participate in or benefit from the college's educational programs or activities. There can be no discrimination related to pregnancy, child birth, false pregnancy, termination of pregnancy or recovery.

**Discriminatory Harassment:** Detrimental action based on an individual's actual or perceived gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, or other protected status that is so severe, persistent, or pervasive that it unreasonably interferes with or limits a person's ability to participate in or benefit from the college's educational programs or activities.

**Sexual Harassment:** Sexual harassment is unwelcome, gender-based spoken, written or symbolic action or physical conduct that is sufficiently severe, persistent, or pervasive that it has the effect of unreasonably interfering with, limiting, or denying someone the ability to participate or benefit from the college's educational programs. The unwelcome behavior may be based upon power differentials, the creation of a hostile environment or retaliation. Examples include: an attempt to coerce an unwilling person into a sexual relationship; to subject a person to egregious, unwanted sexual attention; to punish a refusal to comply; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence; stalking; and gender based bullying.

Sexual Harassment falls into two categories:

1. **Quid Pro Quo:** unwelcome sexual advances or requests for sexual favors from an individual in an authoritative role, and in exchange for a grade, job, or promotion; or some other type of academic or employee related benefit.
2. **Hostile Environment:** unwelcome behaviors of a sexual nature that a realistic individual would find offensive, hostile, or intimidating in reference to their academic or employment future.

Not all workplace or educational conduct that may be described as "harassment" affects the terms, conditions, or privileges of employment or education. For example, a mere utterance of an ethnic, gender-based or racial epithet which creates offensive feelings in an employee or student would not normally affect the terms and conditions of their employment or education.

Examples of verbal sexual harassment may include but are not limited to:

1. Sexually explicit questions that are of an intrusive nature
2. Vulgar or offensive and suggestive sexual comments
3. Name calling that is degrading or gender based
4. Persistent sexual slurs or innuendos
5. Rating of a person's physical appearance

6. Unwanted sexual harassment such as notes, letters, telephone calls, emails, social media messages or pins that are of a sexual nature.

Examples of non-verbal sexual harassment gestures and behavior may include but are not limited to:

1. Stalking of a sexual nature
2. Ogling or leering of the physique
3. Intentionally observing nudity or sexual acts of another person's without their knowledge
4. Inappropriate hand or body movements that are of a sexual nature
5. Vulgar display of materials that are of a sexual nature, such as, pictures, calendars, cards, social media.

Examples of physical sexual harassment may include but are not limited to:

1. Sexual violence, such as:
  - a. Physical assault
  - b. Attempted rape, or rape
  - c. Coerced sexual activity
  - d. Initiating a sexual activity with an individual who is incapacitated and unable to consent due to alcohol, drugs, or physical/mental condition.
2. Physically forcing unwanted physical contact on an individual that is considered sexual in nature, such as: patting, pinching, hugging, hitting, or touching of a person's body, hair, or clothing.
3. Physically forcing or attempting to force a person to be kissed, fondled, or mauled.

**Retaliatory Harassment:** Any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct. Intentional action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a complaint/grievance procedure.

**Sexual Harassment of a Student by Another Student:** Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a student toward another student that is so severe, persistent, or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the college's educational programs or activities. For example, if a student repeatedly asks another student out on dates, even though he or she has turned down the invitation numerous times is considered harassment. It is harassment to subject a person to egregious, unwelcome sexual attention.

**Sexual Harassment of a Faculty/Staff Member by a Student or Another Employee:** Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed toward a faculty/staff member that is so severe, persistent, or pervasive that it unreasonably interferes with employment or living conditions or deprives the individual of employment access or benefits. It is harassment to subject a person to egregious, unwelcome sexual attention.

**Sexual Harassment of a Student by a Faculty/Staff Member/ Campus Visitor:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual

nature by a faculty, staff member or campus visitor toward a student are held to constitute sexual harassment when:

1. Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating an individual's educational development or performance; or
2. Such conduct is so severe, persistent or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the college's educational programs or activities.

While a particular interaction must be offensive to both a reasonable person and to the victim to be defined as harassment, faculty or staff members and other persons of authority should be sensitive to questions about mutuality of consent that may be raised and to the conflict of interests that are inherent in personal relationships that result from professional and educational interactions.

Harassment is particularly damaging when it exploits the educational dependence and trust between students and faculty/staff. When the authority and power inherent in faculty/staff relationships with students, whether overtly, implicitly, or through misinterpretation, is abused in any way, there is potentially great damage to the individual student, to the accused individual, and to the climate of the institution. For example, a professor attempts to coerce an unwilling student into having sex with him/her in exchange for a good grade or some other benefit. This is harassment regardless of whether the student accedes to the request and regardless of the student's final grade.

**Consensual Sexual Encounters:** A sexual encounter is considered consensual when individuals willingly and knowingly engage in sexual activity. Consent is freely and consensually communicated willingness to participate in sexual activity, expressed by either words or unambiguous actions. Consent can only be given or implied by someone who acts freely, voluntarily, and with knowledge and competency of the nature of the act involved. The responsibility falls on the initiator or the sexual activity to ensure that he or she has the consent of the other person involved to engage in the sexual activity. Moreover, the consent must be present throughout the sexual activity by all parties involved. The consent for the sexual activity may NEVER be coerced through the use of force, coercion, intimidation, or if the victim is mentally or physically disabled or incapacitated; this includes through the use of drugs or alcohol. In addition, consent cannot be inferred from previous sexual activity, but must be obtained each time the parties take part in sexual activity.

**Non-Consensual Sexual Contact:** Non-consensual sexual contact is any intentional sexual touching, however slight, with any object by a man or a woman upon a man or a woman that is without consent and/or by force.

Sexual Contact includes:

1. Intentional contact
2. Any intentional bodily contact in a sexual manner

**Non-Consensual Sexual Intercourse:** Non-consensual sexual intercourse is any sexual intercourse however slight, with any object by a man or woman upon a man or a woman that is without consent and/or by force.

**Sexual Exploitation:** Occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

1. Invasion of sexual privacy or prostituting another person
2. Non-consensual video or audio-taping of sexual activity
3. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex)
4. Engaging in voyeurism
5. Knowingly transmitting an STI or HIV to another person
6. Exposing one's genitals in non-consensual circumstances or inducing another to expose his or her genitals

Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

**Consent:** Consent is clear, knowing and voluntary. Consent is active, not passive. 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.

1. In order to give effective consent, one must be at least sixteen years-old.
2. Sexual activity with someone known to be mentally or physically incapacitated, or based on the circumstances, someone who could reasonably be known to be mentally or physically incapacitated, constitutes a violation of this policy.
3. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of the sexual interaction). Alcohol or other drug use, unconsciousness or blackout is an example of incapacitation.
4. This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>
5. Use of alcohol or other drugs will never function as a defense to a violation of this policy.
6. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
7. Previous relationships or prior consent cannot imply consent to future sexual acts.

**Force:** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes overt threats, implied threats, intimidation and coercion that overcome resistance or produce consent. For example: "Have sex with me or I'll hit you. Okay, don't hit me; I'll do what you want."

1. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to

stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

NOTE: There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent.

**Sexual Assault:** Sexual assault is defined under the 2013 Violence against Women Act-Sec. 304, as:

1. An offense classified as forcible or non-forcible sex offense under the uniform crime reporting system of the FBI.
2. A Forcible sex offense “is defined as an sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.”
3. A Non-forcible sex offense “is defined as unlawful, non-forcible sexual intercourse, including sex with a minor or incest.”

**Dating Violence:** Under VAWA, Section 304, dating violence is committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. Length of the relationship
  - b. Type of the relationship
  - c. Frequency of interaction between the persons involved in the relationship
3. Includes sexual or physical abuse or the threat of such abuse (does not include emotional or psychological)

**Domestic violence** is defined under Section 304 of VAWA as:

1. Felony or misdemeanor crimes of violence committed by:
  - a. A current or former spouse or intimate partner of the victim
  - b. A person with whom the victim shares a child in common
  - c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
  - d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
  - e. Any other person against an adult or youth victim who is protected from that person’s act under the domestic or family violence laws of the jurisdiction

**Stalking** is defined as:

1. Engaging in a course of conduct (two or more acts) in which the stalker engaged in behavior either directly or indirectly or through a third party
2. Engaged in an action, method, device or means to follow, monitor, surveil, threaten or communicate about a person

3. Directed at a specific person that would cause a reasonable person to:
  - a. Fear for his or her safety or the safety of others
  - b. Suffer substantial emotional distress (significant mental suffering or anguish)

## Policy Expectations With Respect to Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, or supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of policy.

The college does not wish to interfere with private choices regarding personal relationships when those relationships do not interfere with the goals and policies of the college. However, for the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are strongly discouraged.

## Confidentiality

Subject to the other provisions of this policy and the requirements of law, every possible effort will be made to ensure that any information received as part of the college's resolution and complaint procedures is treated discreetly. All parties to the complaint will be asked to assist in maintaining the privacy of the parties involved. Because of the college's obligation to investigate allegations of misconduct, it is not possible to guarantee that complaints will be handled confidentially.

Except as compelled by law, in the interest of fairness and problem resolution, disclosure of complaints and their substance and the results of investigations and complaint procedures will be limited to the immediate parties, witnesses and other appropriate administrative officials. Disclosure may also be necessary to conduct a full and impartial investigation.

## Complaint/Grievance Procedure

These procedures are intended to apply to student grievances against employees, employee civil rights grievances against students, and student-on-student civil rights grievances. All other grievances by students against students or employees will be addressed through other student conduct procedures. The college benefits from formal and informal procedures that encourage prompt resolution of complaints and concerns raised by members of the college community.

## Informal Complaint Resolution

Before pursuing the formal complaint process, every reasonable effort should be made to resolve issues with students, faculty, staff, or administrators. Whenever possible and safe, the problem or complaint should first be discussed with the individual involved in the complaint. If satisfactory resolution is not reached after discussion with the individual, the complainant should contact the individual's direct supervisor to resolve the complaint. If these efforts are

unsuccessful, the formal complaint process may be initiated. The college does not require a complainant to contact the person involved or that person's supervisor if doing so is impracticable, or if the complainant believes that the conduct cannot be effectively addressed through informal means.

## Formal Complaint / Grievance Procedures

### *Responsibility to Report*

Any student, faculty member, staff member, administrator, or visitor to the campus who has experienced or witnessed sexual harassment is strongly encouraged to report it. The college must know about incidents of sexual harassment in order to stop them, protect victims, safeguard the rights of complainants and respondents, and prevent future incidents.

It is the responsibility of college faculty, administrators, and supervisors to report complaints of sexual harassment that they receive and of possible sexual harassment of which they become aware. When there is a relationship that involves legally recognized professional confidentiality between the complainant and the person to whom the harassment is reported, the report may be withheld at the request of the complainant.

### *Notification*

Students, faculty members, administrators, staff members, or visitors to Black River Technical College are strongly encouraged to report allegations of discrimination or harassment to the Title IX Coordinator, Deputy Coordinators, or other college official. Contact information for the Coordinator, Deputy Coordinators and other college officials can be found in the printed Title IX Resource Guide and on the college website under Campus Security. A report of sex discrimination or harassment should be made as soon as possible after the incident in order to facilitate an effective response. The longer a report is delayed, the more difficult it will be for the college to investigate. Reports may be made by the person experiencing the discrimination or harassment or by a third party, such as a witness or someone who is told of the discrimination or harassment.

Upon receipt of the complaint, the Title IX Coordinator will open a formal case file and the investigation will begin.

## Investigation

1. The Title IX Coordinator will assign investigators to each case. Investigators will ensure that accommodations for the complainant and the respondent or other necessary remedial short-term actions are successfully met.
2. Investigators will:
  - a. Identify the correct policies allegedly violated.
  - b. Conduct an immediate initial investigation to determine if there is reasonable cause to charge the respondent(s).
  - c. If there is insufficient evidence to support reasonable cause, the grievance should be closed with no further action.
  - d. Meet with the complainant to finalize the grievance.
  - e. Prepare the notice of charges on the basis of initial investigation.

- f. Develop a strategic investigation plan which may include a witness list, an evidence list, an intended timeframe, and an order of interviews for all witnesses, including the respondent.
  - g. Conduct a thorough, reliable, and impartial investigation. Witnesses may or may not be given notice prior to the interview.
  - h. Complete the investigation promptly, and without unreasonable deviation from the intended timeline.
  - i. Make a finding on the case, based on a preponderance of the evidence which indicates that it is more likely than not that a policy violation has or has not occurred.
  - j. Prepare a complete report on the investigation and its findings to present to the Deputy.
3. Following the investigation, the Title IX Coordinator will distribute a written Letter of Determination to the affected parties.
  - a. The individual (s) alleged to have committed discrimination or harassment may accept the findings; accept the findings in part and reject the findings in part; or reject all findings.
  - b. The complainant will also be notified of the outcome of the investigation at this time.
4. If the findings indicate that it is likely that the alleged discrimination or harassment has not occurred, the investigation will be closed.
5. Where the findings indicate that it is more likely than not that the alleged discrimination or harassment has occurred, and the respondent(s) accepts the findings that s/he violated college policy, an appropriate sanction will be imposed by the Title IX Coordinator, in conjunction with the Deputy Coordinator. The College President is informed of the proposed sanctions and has final approval for these sanctions. Black River Technical College will act to end the discrimination, prevent its recurrence, and remedy its effects on the person who filed the complaint and on the Black River Technical College community.

## **Hearing**

If a respondent alleged to have committed discrimination or harassment rejects the findings of the case in part or in their entirety, he or she must notify the Title IX Coordinator in writing within five business days. Acceptable means of notification include email, fax, hand delivery or postal delivery. The Title IX Coordinator will convene a hearing to discuss the contested aspects of the case.

At the hearing, the findings of the investigation will be admitted and the Investigator may give evidence. The hearing will determine whether it is more likely than not that a violation of

policies has occurred. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.

If the hearing board determines that it is more likely than not that a violation has occurred, the Title IX Coordinator will impose appropriate sanctions for the violation, in conjunction with the hearing board and the Deputy Coordinator. The College President will be informed of the proposed sanctions and has final approval of the sanctions. BRTC will act to end the discrimination or harassment, prevent its recurrence, and remedy its effects on the person who filed the complaint and on the BRTC community.

If the hearing board determines that no violation has occurred, the case will be closed.

Following the hearing, the Title IX Coordinator will send a second letter of determination to the complainant and respondent.

## Appeals

A complainant or respondent may appeal the findings of an investigation under specific circumstances. The complainant or respondent must contact the Title IX Coordinator within five business days of receiving the letter stating findings and sanctions. Acceptable means of notification include email, fax, hand delivered notification, or postal delivery. The grounds for an appeal are as follows:

1. A procedural error or omission occurred that significantly impacted the outcome of the investigation.
2. There is new evidence, unknown or unavailable during the original investigation that could substantially impact the original finding or sanction.
3. The sanctions imposed are substantially disproportionate to the severity of the violation.
4. Failure to participate earlier in the process will NOT suffice as grounds for an appeal.

If the Title IX Coordinator determines that a material procedural or substantive error occurred, an administrator who was not involved in the original complaint will review the appeals materials and make a final determination. The results of a reconvened hearing cannot be appealed.

The appeal procedure and determination will typically be completed within 20 business days.

The procedures governing the hearing of appeals include the following:

1. Sanctions imposed are implemented immediately unless the party determining the sanction stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
2. All parties should be informed in a timely manner of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.
3. Appeals are not intended to be full re-hearings of the complaint, with the exception of substantiated cases of bias. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal

4. The Title IX Coordinator will render a written Letter of Determination to the affected parties.

## Complaint and Grievance Process Provisions

### *Time Periods*

All effort will be made to make a determination in no more than 60 calendar days of filing a formal complaint/grievance.

For purposes of calculating all time periods set forth in this Complaint and Grievance Policy, a business day is defined to mean normal operating hours, Monday through Friday, excluding recognized national and state holidays and Black River Technical College closings.

Timelines may be modified in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, and/or other related circumstances as may arise. In the event that this step is necessary, the Title IX Coordinator or the respective deputy will notify the complainant who filed the grievance in writing within the set timeline.

### *No Retaliation*

Retaliation against any person who files a complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited by Black River Technical College policy and federal and state law. A person who believes retaliation has occurred should notify the Title IX Coordinator as soon as possible.

### *False Reports*

Black River Technical College will not tolerate intentional false reporting of incidents. It is a violation of the Codes of Conduct governing Black River Technical College to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

### *Office of Civil Rights Complaint*

Although complainants are encouraged to attempt to resolve complaints pertaining to discrimination by utilizing this Grievance Procedure, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR) (Dallas regional office). Information regarding applicable timelines and procedures is available from OCR.

### *Effective Date*

The policy in force at the time a formal complaint is made is the policy that will be used throughout the investigation, hearing and any appeals that are heard.

Black River Technical College reserves the right to make changes and amendments to this policy and procedure as needed, with appropriate notice to the community.

## Statement of the Rights of Complainant

1. The right to be treated with respect by college officials.
2. The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to college administrators.

3. The right to have an advisor or advocate to accompany and assist in the campus hearing process. This advisor can be anyone, including an attorney (provided at the complainant's own cost), but the advisor may not take part directly in the hearing itself, though they may communicate with the complainant as necessary. The college should be notified five (5) business days in advance of the hearing if an advisor or advocate will accompany the complainant party.
4. The right not to be discouraged by college officials from reporting an assault to both on-campus and off-campus authorities.
5. The right to be informed in a timely manner of the outcome and sanction of any disciplinary hearing involving sexual assault, usually within five (5) business days of the end of the conduct hearing.
6. The right to be informed by college officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire.
7. The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community.
8. The right to notification of options and assistance for changing academic or employment situations after an alleged sexual assault incident. These changes will be made if they are reasonably available and desired by the victim. No formal complaint, or investigation, campus or criminal, need occur before this option is available. Accommodations may include:
  - a. Exam (paper, assignment) rescheduling
  - b. Taking an incomplete in a class
  - c. Transferring class sections
  - d. Temporary withdrawal
  - e. Alternative course completion options
  - f. Alternative work assignments and/or supervisory changes
9. The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing.
10. The right not to have any complaint of sexual assault mediated (as opposed to adjudicated.)
11. The right to make a victim-impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction.
12. The right to a campus no contact order against another person who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining person or others.
13. The right to have complaints of sexual misconduct responded to quickly and with sensitivity by campus disciplinary officials.
14. The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution.
15. The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law.
16. The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will

not be revealed to the respondent for compelling safety reasons (this does not include the name of the alleged complainant, which will always be revealed.)

17. The right to preservation of privacy, to the extent possible and allowed by law.
18. The right to a hearing closed to the public.
19. The right to petition that any member of the conduct body be removed on the basis of demonstrated bias.
20. The right to give testimony in a campus hearing by means other than being in the same room with the respondent.
21. The right to ask the investigators to identify and question relevant witnesses, including expert witnesses.
22. The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint.
23. The right to be present for all testimony given and evidence presented before the conduct body.
24. The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct training.
25. The right to conduct officials comprised of representatives of both genders.
26. The right to have college policies and procedures followed without material deviation.
27. The right to be informed in advance of any public release of information regarding the complaint.
28. The right not to have released to the public any personally identifiable information about the complainant, without his or her consent.

## Statement of the Rights of Respondent

1. The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to college administrators against the respondent.
2. The right to be treated with respect by college officials.
3. The right to be informed of and have access to campus resources for counseling and advisory services.
4. The right to be fully informed of the nature, rules and procedures of the campus conduct process and to timely written notice of all alleged violations within the complaint, including the nature of the violation and possible sanctions.
5. The right to a hearing on the complaint, including timely notice of the hearing date, and adequate time for preparation.
6. The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing.
7. The right to make an impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction.
8. The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution.
9. The right to review the complainant's testimony and all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law.
10. The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will

not be revealed to the respondent for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed.)

11. The right to a hearing closed to the public.
12. The right to petition that any member of the conduct body be removed on the basis of bias.
13. The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct adjudication training.
14. The right to have college policies and procedures followed without material deviation.
15. The right to have an advisor or advocate to accompany and assist in the campus hearing process. This advisor can be anyone, including an attorney (provided at the respondent's own cost), but the advisor may not take part directly in the hearing itself, though they may communicate with the respondent as necessary. The college should be notified five (5) business days in advance of the hearing if an advisor or advocate will accompany the respondent.
16. The right to a fundamentally fair hearing, as defined in these procedures.
17. The right to a campus conduct outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice.
18. The right to written notice of the outcome and sanction of the hearing.
19. The right to conduct officials comprised of representatives of both genders.
20. The right to be informed in advance, when possible, of any public release of information regarding the complaint.