



## Asheville-Buncombe Technical Community College

### (A-B Tech) Procedure

#### Procedure 112.02: Title IX Sexual Harassment

##### *Introduction*

##### Overview

The College strives to make its campuses and sites inclusive and a safe and welcoming learning environment for all members of the College community. Pursuant to multiple federal and state laws and administrative regulations and pursuant to College policy, the College prohibits discrimination in its education programs and activities based on sex. This procedure applies to allegations of Title IX Sexual Harassment made by or against a student, a College employee or a third party. The College's disciplinary authority, however, may not extend to third parties who are not students or employees. A-B Tech may take disciplinary action to address Title IX violations and will take appropriate action to investigate and adjudicate the matter if it impacts the educational environment of the College.

##### Title IX

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Under Title IX, discrimination on the basis of sex includes *quid pro quo* harassment; sexual harassment; and sexual assault, stalking, dating or domestic violence (collectively referred to as "sexual harassment"). The College's Director of Title IX Compliance has oversight responsibility for handling sexual harassment complaints and for identifying and addressing any patterns and/or systemic problems involving sexual discrimination or harassment.

All allegations involving sexual harassment should be directed to the Director of Title IX Compliance or designee. In the case of conduct solely between employees, reports should be directed to the Vice President for Human Resources or designee. For other complaints of discrimination and harassment not related to sexual harassment, refer to the Non-Discrimination and Harassment procedure.

##### Scope and Applicability of Title IX

Title IX regulations apply to College students and applicants for admission into the College; College employees and applicants for employment; College sanctioned student organizations; and third parties participating in a College education program or activity. Title IX applies to conduct that occurs in a College

education program or activity located within the United States and of which the College has actual knowledge.

## Reporting Options

### *Reporting to Local Law Enforcement*

Individuals may report sexual harassment directly to local law enforcement agencies by dialing 911. Individuals who make a criminal allegation may also choose to pursue College disciplinary action simultaneously. A criminal investigation into the matter does not release the College from its obligation to conduct its own investigation (nor is a criminal investigation determinative of whether sexual harassment has occurred). However, the College's investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the College must take interim measures when necessary to protect the alleged Complainant and/or the College community.

Individuals may choose not to report alleged sexual harassment to law enforcement authorities. The College respects and supports individuals' decisions regarding reporting; nevertheless, the College may notify appropriate law enforcement authorities if legally required or warranted by the nature of the allegations.

### Reporting to College Officials

*Director of Title IX Compliance* - Anyone wishing to make a report relating to sexual harassment may do so by reporting the concern to the Director of Title IX Compliance in person, by mail, by telephone, by email, or by any other means that results in the Director of Title IX Compliance receiving the person's verbal or written report of alleged harassment.

Michele Hathcock  
Director of Title IX Compliance  
Office of the Vice President for Student Services  
Asheville Campus  
828-398-7932  
[michelechathcock@abtech.edu](mailto:michelechathcock@abtech.edu)

Online reporting at: [www.abtech.edu/about/title-ix-sexual-discrimination-and-harassment-legislation](http://www.abtech.edu/about/title-ix-sexual-discrimination-and-harassment-legislation).

*Vice President, Human Resources* - Incidents solely between employees may be referred directly to the Human Resources Office who will work with the Director of Title IX Compliance.

Shanna Chambers  
Vice President, Human Resources  
Asheville Campus  
828-398-7178  
[shannarchambers@abtech.edu](mailto:shannarchambers@abtech.edu)

*A-B Tech Police* - The A-B Tech Police Department is located across from the parking deck in the Mission Health/A-B Tech Conference Center on the Asheville campus and can be reached by phone at (828) 398-7125. A-B Tech Police Officers are available 24-hours a day, seven days a week. To reach the on-duty officer, please call (828) 279-3166.

*Responsible Employees* - All full-time and part-time regular employees and curriculum adjunct faculty are considered Responsible Employees and have a duty to forward complaints to the Director of Title IX Compliance.

## Providing False Information

Any individual who knowingly files a false report or complaint, who knowingly provides false information to College officials, or who knowingly misleads College officials involved in the investigation or resolution of a complaint may be subject to disciplinary action including, but not limited to expulsion or employment termination. The College recognizes a determination regarding responsibility alone is not sufficient to conclude a false report or complaint was made.

## Limited Immunity

The College community encourages the reporting of misconduct and crimes. Sometimes, Complainants or witnesses are hesitant to report to College officials or participate in resolution processes because they fear that they themselves may be accused of various policy violations. It is in the best interest of this College that as many Complainants as possible choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, the College offers Complainants and witnesses amnesty from minor policy violations.

## Grievance Process

Use of this grievance process applies to reports alleging sexual harassment carried out by employees, students, or third parties. When an individual brings forward an allegation of sexual harassment, the individual is referred to as the Complainant. The individual named in the allegation is referred to as the Respondent. All reports of harassment are taken seriously. At the same time, those accused of harassment are presumed "not responsible" throughout this grievance process.

## Initial College Response and Assessment

After receiving a report of sexual harassment, the Director of Title IX Compliance or designee takes immediate and appropriate steps to:

1. Communicate with the individual who reported the alleged conduct;
2. Implement supportive measures to eliminate and prevent the recurrence of sexual harassment, deter retaliation, remedy the effects of sex misconduct, and provide due process rights during a College investigation;
3. Provide the individual with a copy of this procedure; and
4. Determine whether the alleged conduct, as described by the reporting party, falls within the scope of this policy and if so, initiate the investigation and resolution steps outlined below.
5. The Director of Title IX Compliance may delegate the authority to take some or all of these steps to other trained College officials.

The Director of Title IX Compliance or designee will take the following action based on the initial assessment:

1. The Director of Title IX Compliance *must* administratively close a report or complaint of sexual harassment if after an initial assessment:
  - a. The allegations as stated do not constitute a violation of this Policy and Procedure under Title IX, even if proven; or
  - b. The alleged sexual harassment did not occur in the College's education program or activity or did not occur in the United States.

- c. The Director of Title IX Compliance will notify the parties if a report or complaint of sexual harassment is closed, including the reason(s) for closure, and direct the parties to the appropriate College office or department to resolve the report or complaint. All parties may appeal the Director of Title IX Compliance dismissal of a Formal Complaint by using the appeal procedures.
2. The Director of Title IX Compliance or designee *may* administratively close a report or complaint of sexual harassment if:
  - a. The Complainant, at any time, requests withdrawal of the report or complaint;
  - b. The Respondent is no longer enrolled or employed by the College; or
  - c. The College is prevented from gathering evidence sufficient to reach a determination of responsibility.
  - d. The Director of Title IX Compliance will notify the parties if a report or complaint of sexual harassment is closed, including the reason(s) for closure, and direct the parties to the appropriate College office or department to resolve the report or complaint. All parties may appeal the Director of Title IX Compliance's dismissal of a Formal Complaint by using the appeal procedures.

Regardless of when alleged sexual harassment is reported, a Complainant must be participating in or attempting to participate in the College's education program or activity for a Formal Complaint to be filed.

### Informal Resolution

Any party may request the College facilitate an informal resolution to a sexual harassment complaint at any time after the filing of a Formal Complaint. The Director of Title IX Compliance may also offer the parties the opportunity for informal resolution.

1. Upon request for informal resolution, the Director of Title IX Compliance determines whether informal resolution is appropriate based on the facts and circumstances of the case. The Director of Title IX Compliance ensures that any proposed informal resolution is consistent with the College's obligations to prevent and redress sexual harassment.
2. A student's allegations of sexual harassment against a College employee are not eligible for informal resolution.
3. The Director of Title IX Compliance provides the parties with written notice of proceeding with an informal resolution, including the allegations of sexual harassment, the requirements of the informal resolution process, and potential outcomes resulting from participating in the informal resolution process.
4. Informal resolution is voluntary. The Complainant and Respondent must provide written consent for informal resolution to take place. Any party has a right to end the informal resolution process at any time prior to agreeing to a resolution outcome and begin or continue the formal investigation and hearing process.
5. Informal resolution concludes the matter only when all parties have signed a written agreement that confirms resolution of the allegations. The resolution agreement must include a waiver of the parties' right to have a formal hearing on the allegations that have been informally resolved.

6. Parties are prohibited from revoking or appealing a resolution agreement. Should the Respondent violate the terms of an informal resolution agreement, such violation will subject the Respondent to a formal investigation and hearing.
7. If a resolution agreement is not reached, the College will continue with a formal investigation and hearing.

### Formal Title IX Investigation

The goal of a formal investigation is to reach a determination as to whether a Respondent has violated one or more College policies prohibiting sexual harassment and if so, remedy the effects of a violation. The Director of Title IX Compliance may include possible violations of other College policies that contributed to, arose from, or are otherwise related to alleged violations of this Policy and Procedure in the scope of an investigation.

1. The Director of Title IX Compliance gives written notice to the Complainant and Respondent of the investigation, providing sufficient details to allow the parties to respond and prepare for initial interviews, including the identity of the parties involved (if known), the conduct alleged to be sexual harassment, the date and location of alleged incidents (if known), a statement that the Respondent is presumed not responsible and a determination of responsibility is made at the conclusion of the process, information regarding the parties' right to an advisor and the right to review evidence, and notice that the College prohibits knowingly making false statements or submitting false information during the grievance process.
2. Parties to an investigation can expect a prompt, thorough, and equitable investigation of complaints, including the opportunity for parties to ask questions, present witnesses and provide information regarding the allegations.
3. Parties and witnesses should cooperate in the investigation process to the extent required by law and this policy.
4. The standard of proof used in investigations is the preponderance of the evidence standard. It is the College's responsibility to establish the standard of proof and gather evidence during investigations.
5. The College aims to bring all investigations to a resolution within a reasonably prompt timeframe from the date the Director of Title IX Compliance determines a formal investigation will commence. Extensions of timeframe for good cause are allowed, so long as written notice and the reason for the delay is provided to the parties. Good cause includes:
  - a. The complexity and/or number of the allegations;
  - b. The severity and extent of the alleged misconduct;
  - c. The availability of the parties, witnesses, and evidence;
  - d. A request by a party to delay an investigation;
  - e. The effect of a concurrent criminal investigation or proceeding;
  - f. Intervening holidays, College breaks, or other closures;
  - g. Good faith efforts to reach a resolution; or
  - h. Other unforeseen circumstances.

- I. Investigations typically include interviews with the Complainant, the Respondent, and any witnesses, and the objective evaluation of any physical, documentary, or other evidence as appropriate and available. The College will give the Complainant and the Respondent written notice of any interview, meeting, or hearing.
- II. The College may suspend or place on administrative leave a student or employee, pending the completion of an investigation and resolution, when the College determines the person poses an immediate threat to the physical health or safety of any member(s) of the College community. Additional interim measures may include restricting the movements of a student or employee on campus, altering class or work locations, or schedules.
  - a. The Director of Title IX Compliance may recommend to the appropriate College official to implement or stay an interim suspension of a student or employee and the conditions and duration of such suspension or leave.
  - b. In all cases in which an interim suspension or administrative leave is imposed, the student or employee shall be given notice and an opportunity to challenge the removal decision immediately following the removal.
  - c. Violation of an interim suspension under this Procedure is grounds for expulsion or termination.
    - Interviews conducted as part of an investigation under this Procedure may be recorded by the College. Recordings not authorized by the College are prohibited.
    - The Complainant and Respondent have the right to be accompanied by an advisor of their choosing during all stages of an investigation. A party may elect to change advisors during the process. All advisors are subject to the same rules:
      - a. During the investigation, the advisor's role is limited to providing advice, guidance, and support to the Complainant or Respondent. An advisor is not permitted to act as a participant or advocate during the investigative process.
      - b. Advisors are expected to maintain the privacy of the records shared with them.
      - c. Advisors are expected to refrain from interfering with investigations.
      - d. Any advisor who oversteps their role or interferes during an investigation process will be warned once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave. The Director of Title IX Compliance determines whether the advisor may return or should be replaced by a different advisor.
    - Prior to finalizing a report, the investigator provides all parties an equal opportunity to review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence upon which the College does not intend to rely. The Complainant and Respondent may submit a written response to the evidence within ten (10) days after receipt of the evidence.
      - a. Responses must be submitted to the investigator via email, mail, or hand delivery by 5:00 p.m. eastern standard time on the date responses are due.

Responses may not exceed 10 double-spaced pages on 8.5 x 11 paper with one-inch margins and 12-point font.

- b. The investigator considers any responses received from the parties and conducts any further investigation necessary or appropriate.
6. Following an investigation and at least 10 days prior to a grievance hearing, the investigator submits an investigative report to the parties that fairly summarizes relevant evidence. The report includes a summary of the allegations; a summary of the response; a summary of the investigative steps taken to verify the allegations and response; and a summary of the evidence relevant to a determination of responsibility.

## Grievance Hearings

At least 10 days after the issuance of an investigation report, the College must hold a live hearing in front of a presiding officer to determine responsibility of a Respondent. The presiding officer may not be the Director of Title IX Compliance or the investigator. A "live hearing" means either in person or virtually. The following hearing rules apply:

1. All parties must be able to see and hear the questioning of parties and witnesses.
2. Any party may request a virtual hearing. If requested, the College will provide a virtual hearing.
3. All parties have an equal opportunity to present witnesses, including fact and expert witnesses.
4. The parties' advisors are permitted to cross-examine the parties and any witnesses.
  - a. The parties are prohibited from directly conducting cross-examination. Cross-examination must be conducted by a party's advisor.
  - b. The presiding officer determines whether questions asked during cross-examination are relevant to the determination of responsibility. If the presiding officer disallows a question, they will explain the basis for their decision at the hearing. Parties and advisors may not challenge a presiding officer's determination during the hearing.
  - c. Evidence or questions that inquire about the Complainant's sexual predisposition or prior sexual history are prohibited unless such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
  - d. The presiding officer may not consider statements of individuals who do not submit to cross-examination in reaching a determination of responsibility.
  - e. Records with a legally recognized privilege, such as medical treatment records, may not be used unless the individual or entity who holds the privilege waives the privilege. Any waiver must be written and made in advance of a hearing.
  - f. If a party does not have an advisor, the College will provide an advisor at no cost to the party. The advisor may, or may not, be an attorney.
  - g. Other standard Rules of Evidence do not apply in grievance hearings under these Procedures.
5. The College will provide either an audio recording, audiovisual recording, or transcript of the hearing to all parties.

6. The presiding officer evaluates all relevant evidence and reaches a determination regarding responsibility. The presiding officer issues their final written determination to all parties within ten (10) days of the hearing. The final written determination includes a summary of the allegations; a description of the procedural steps taken by the College to investigate and reach a determination of responsibility; findings of fact supporting the determination; conclusions regarding the application of College policies to the facts; a statement of and rationale for the result as to each allegation, including a determination of responsibility; any disciplinary sanctions the College recommends or imposes; whether remedies designed to restore or preserve equal access to an education program or activity will be provided to the Complainant; and the College's appeal procedures.
7. The following sanctions may be imposed for those who have violated these procedures:

**Student Sanctions:**

- a. Verbal or Written Warning
- b. Probation
- c. Administrative withdrawal from a course without refund
- d. Required Counseling
- e. No Contact Directive
- f. Suspension
- g. Recommendation of Expulsion
- h. Other consequences deemed appropriate

**Employees Sanctions:**

- a. Verbal or Written Warning
  - b. Performance Improvement Plan
  - c. Required Counseling
  - d. Required Training or Education
  - e. Recommendation of Demotion
  - f. Recommendation to Suspend with or without Pay
  - g. Recommendation of Termination
  - h. Other consequences deemed appropriate
8. If the presiding officer recommends the Respondent be expelled, suspended, demoted, or terminated, during the time in which either party has to appeal, the Respondent shall remain on suspension or administrative leave unless otherwise determined by the presiding officer. If the presiding officer is required to make a recommendation for student expulsion or employee suspension, demotion or termination, such recommendation will be made to the appropriate College official after the time for appeal has expired.



## Appeals

After the presiding officer submits their determination of responsibility to the Complainant and Respondent, all parties are given an equal opportunity to appeal the determination. Appeals may be based only on these grounds:

1. Procedural irregularity that affected the outcome;
2. New evidence that was not reasonably available at the time of the hearing that could affect the outcome; and/or
3. The Director of Title IX Compliance or designee, investigator, or presiding officer had a bias or conflict of interest that affected the outcome.

Parties must submit any appeal to the President of the College by 5:00 p.m. eastern standard time via email or mail, within ten (10) days of receiving the presiding officer's written determination of responsibility. The appeals request may not exceed ten (10) double-spaced pages on 8.5 x 11 paper with one-inch margins and 12-point font.

The College notifies all parties when an appeal is filed and provides all parties a copy of the appeal and a chance to submit a written statement supporting or challenging the outcome. Parties must submit written statements supporting or challenging the outcome to the President of the College by 5:00 p.m. eastern standard time via email or mail, within two (2) days of receiving a copy of an appeal.

The President shall conduct a review of the record, including the appeal(s) received, any written statements supporting or challenging the outcome, the investigation report, the presiding officer's written determination of responsibility, and any accompanying evidence prior to issuing a written decision to the Complainant and Respondent that describes the result of the appeal and the rationale for the result.

The President's written decision is final.

## Protection Against Retaliation

Retaliation against any person in connection with a complaint of sexual harassment is strictly prohibited. Reports of retaliation will be addressed through this procedure and/or other applicable College procedures. The College will not in any way retaliate against an individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under these procedures.

Retaliation is a violation of College policy regardless of whether the underlying allegations are ultimately found to have merit. Reports of retaliation are treated separately from reports or complaints of misconduct and will be addressed through this procedure and/or other applicable College procedures.

## Suspending Procedures

In cases of emergency or serious misconduct, the College reserves the right to suspend this process and may enact appropriate action for the welfare and safety of the College community.

## FERPA (Family Educational Rights and Privacy Act)

A student's personally identifiable information found in a student's education records will be shared only with College employees who need to know to assist with the College's response to misconduct. A

student's personally identifiable information found in a student's education records will not be disclosed to third parties unaffiliated with the College unless:

1. The student gives consent;
2. The College must respond to a lawfully issued subpoena or court order; or
3. The College is otherwise required by law to disclose.

## Student and Employee Education and Annual Training

The College will provide education to students and employees on an annual basis related to misconduct, consent, sexual harassment, risk reduction, and bystander interventions. College officials involved in the Title IX investigations and resolution process shall receive annual training.

Each fall, students and employees will receive an electronic copy of these procedures included in the Annual Security Report (Clery Act), sent to their College email address. These procedures will be maintained online on the College's website and a hard copy will be available upon request to the Director of Title IX Compliance.

## Records Retention

*Students* - All documentation will be stored in the Vice President for Student Services' office for a period of seven years at which point the documentation will be moved to an electronic version to be retained permanently. In cases where the Respondent is found responsible for violating the Sexual Misconduct Policy, this information will be considered as a disciplinary record with the College.

*Employees* – Personnel files are retained for 30 years. If the action taken is informal counseling, this does not become part of the permanent record.

Pursuant to Board Policy 112, this procedure must be followed when dealing with Title IX sexual harassment based sexual misconduct.

## Definitions:

The following definitions shall apply to this procedure. The definitions are not intended to operate as speech codes, promote content and viewpoint discrimination or suppress minority viewpoints in the academic setting. Indeed, just because a student's speech or expression is deemed offensive by others does not mean it constitutes discrimination or harassment.

In applying these definitions, College administrators shall view the speech or expression in its context and totality and shall apply the following standard: the alleged complainant subjectively views the conduct as discrimination or harassment and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that the conduct is discriminatory or harassing.

**Actual Knowledge:** Notice of sexual harassment or allegations of sexual harassment by the Title IX Coordinator or any College official who has authority to institute corrective measures on behalf of the College. Actual knowledge is not met when the only College official with actual knowledge is a Respondent.

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Consent:** The explicit approval to engage in sexual activity demonstrated by clear actions or words. This decision must be made freely and actively by all participants. Non-verbal communication, silence,

passivity or lack of active resistance does not imply consent. In addition, previous participation in sexual activity does not indicate current consent to participate and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent has not been obtained in situations where the individual: 1) is forced, pressured, manipulated or has reasonable fear that they will be injured if they do not submit to the act; 2) is incapable of giving consent or is prevented from resisting due to physical or mental incapacity (including being under the influence of drugs or alcohol); or 3) has a mental or physical disability which inhibits his/her ability to give consent to sexual activity.

**Dating Violence:** Crimes of violence against a person with whom the person has or had a social relationship or a romantic or intimate relationship.

**Domestic Violence:** Crimes of violence against a current or former spouse or intimate partner; a person with whom the individual shares a child in common; a person with whom the individual cohabitates or has cohabitated as a spouse or intimate partner; a person similarly situated to the individual as a spouse under local domestic laws; or any other person who is protected under local domestic laws of the jurisdiction.

**Education Program or Activity:** For purposes of these Procedures, this means any locations, events, or circumstances over which the College exercised substantial control over both the Complainant and Respondent and the context in which the alleged sexual harassment occurs. It also means any building owned or controlled by a student organization that is officially recognized by the College.

**Education Program or Activity:** For purposes of these policy, this means any locations, events, or circumstances over which the College exercised substantial control over both the Respondent(s) and the context in which the alleged sexual harassment occurs. It also means any building owned or controlled by a student organization that is officially recognized by the College.

**Employee:** An individual who is hired to provide services on behalf of the College on a regular or time limited basis in exchange for compensation and who does not provide these services as an independent contractor, as defined by the Internal Revenue Service.

**Expulsion:** Completely withdraw from the College. Does not typically allow for re-enrollment.

**Formal Complaint:** A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting the College investigate the allegation(s). A Formal Complaint initiates a formal grievance process in which parties are entitled to due process protections.

**Informal Resolution:** A resolution reached regarding an allegation of sexual harassment without the filing of a Formal Complaint. Informal Resolution may include mediation, facilitated dialogue, conflict coaching, restorative justice, or other models of alternative dispute resolution. Informal Resolution cannot be used for a student's allegation of sexual harassment against a College employee.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Retaliation:** To intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under these Procedures.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system.

**Sexual Harassment:** Includes any of the three types of misconduct on the basis of sex: (1) Quid pro quo harassment; (2) unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity, including conduct based on sex stereotyping; or (3) any instance of sexual assault, (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA). Quid pro quo harassment is a person having power or authority over another and conditioning an educational or employment benefit or service or access to receiving the educational or employment benefit or service upon a person’s participation in unwelcome sexual conduct.

**Sexual Misconduct:** Any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without consent. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex. Sexual Misconduct includes but is not limited to all forms of sexual harassment as defined by Title IX.

**Stalking:** Engaging in a course of conduct directed to a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress.

**Standard of Evidence:** The College uses the preponderance of the evidence as the standard of proof of whether a violation of this policy has occurred. In the student or employee hearing and grievance process, legal terms like “guilt”, “innocence”, and “burden of proof” are not applicable. Student and employee hearings are conducted to take into account the totality of the evidence available from all relevant sources. The College will find the Respondent either “responsible” or “not responsible” for violating College policy.

**Student:** An individual who is currently enrolled in a curriculum or continuing education class.

**Supportive Measures:** Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party that are designed to ensure equal educational access, protect safety, or deter sexual harassment. Examples of support measures are counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, leaves of absences, increased security and monitoring of certain areas of the College, and other similar measures.

**Suspension:** Complete withdraw from the College with option for future re-enrollment after a specified period.

**Owners:** Vice President for Student Services  
Vice President for Human Resources and Organizational Development