

3354 1-30-03.12.1 Sexual Misconduct Procedure

- (A) For purposes of this procedure, sexual misconduct is any unwelcome behavior of a sexual nature or behavior based on sex or gender that is severe or pervasive and interferes with a person's ability to pursue the terms and conditions of employment or with academic or athletic attainment. Sexual misconduct, includes, but is not limited to, sexual harassment, sexual exploitation, sexual violence, such as domestic violence, dating violence, sexual assault and gender-based stalking.
- (B) This procedure applies to all employees and students at Cuyahoga Community College, including minors and those participating in College Credit Plus and other similar programs. Cuyahoga Community College will follow all laws, including mandatory reporting requirements found in the Ohio Revised Code, regarding minors who are the reporting party or responding party in matters of sexual misconduct. Further, under the Family Education Rights and Privacy Act (FERPA) minors have privacy rights; therefore, subject to certain exceptions, information is not disclosed to parents or guardians unless the minor student has signed a release of information or the information falls under an exception to FERPA.
- (C) Reporting Responsibility
- (1) Any College faculty, staff, official or student employee who is consulted about and/or witnesses behavior involving potential sexual misconduct has the responsibility to report the potential misconduct to one of the Designated Reporting Representatives.
 - (2) Students are expected, but not required, to report Sexual Harassment, Sexual Violence, Sexual Exploitation or Intimate Partner Violence when they are consulted about and/or witness behavior involving such misconduct.
- (D) Roles and Responsibilities of Designated Reporting Representatives
- (1) The College's Title IX Coordinator is the designated official with primary responsibility for coordinating the College's compliance with Title IX. The Title IX Coordinator's primary responsibilities include;
 - (a) providing and coordinating interim measures, in consultation with Deputy Title IX coordinators and campus police,
 - (b) conducting Title IX investigations and reaching prompt, thorough, and impartial resolutions,
 - (c) communicating the results of Title IX investigations with the reporting party and responding party,
 - (d) identifying and addressing any patterns or systematic problems that arise during the review of the complaint, and
 - (e) coordination of training, education, communication and administration of
 - (f) the College's Title IX policy for faculty, staff, students and other members of the College community.

- (2) Deputy Title IX Coordinators, Campus Police and/or the Title IX Coordinator will conduct an initial inquiry of the complaint by requesting a written voluntary statement from the reporting party. Deputy Title IX Coordinators and/or Campus Police will send the information to the College's Title IX Coordinator. The Deputy Title IX Coordinators and/or Campus Police will also take remedial measures as appropriate and refer individuals to available College and/or community resources.
- (3) Campus Police will conduct initial inquiry of the complaint by the reporting party, document the complaint according to its existing incident reporting system, and submit the report to the College's Title IX Coordinator. Further, Campus Police may report the complaint to the proper prosecutor's office if appropriate.

(E) Reporting Obligations

- (1) Once a report of Sexual Misconduct is made, the College is obligated to take all necessary steps to protect the campus and the person who has experienced the misconduct. This may include alerting the campus of crimes that it determines pose a substantial threat of bodily harm or danger to members of the campus community. In making such determinations, the College will consider the safety of students, faculty and staff as well as the privacy interests of all persons involved in such incidents. Regardless of the action taken by the College, it will attempt to ensure that a reporting party's name and other identifying information is not disclosed, while still providing enough information for community members to take safety precautions.
- (2) In compliance with the Clery Act (Campus Crime Statistics Act), Designated Reporting Representatives are required to report to police sexual misconduct that constitutes a crime (i.e. anything not defined in the Sexual Misconduct Policy as Sexual Harassment). In addition, anonymous, redacted and de-identified reports or crimes from confidential support resources received by the College Campus Police are also included in the Clery Act Report. Typically, the following information is included: crime, date, location and status (i.e. student, faculty, staff, stranger, etc.) of the individuals involved in the crime. Campus Police never includes the names of the reporting party or the responding party in crime statistics. When a complaint of a violation of the Sexual Misconduct Policy is made that may also constitute a criminal act, the Designated Reporting Representative also will inform the reporting party of the right to file a criminal complaint.

(F) Complaint Adjudication and Appeal

- (1) The College will provide prompt adjudication of any complaints of Sexual Misconduct within a reasonable timeframe after receiving notification of the alleged misconduct. This timeframe will depend upon the complexity of the investigation. When notified of an allegation, the College will take interim measures if appropriate.
- (2) An investigation by an appropriate College official, such as the Title IX Coordinator or designee, will commence. Mediation between reporting party and responding party will not be used in incidents involving sexual violence. The evidentiary standard that will be used in resolving the complaint will be preponderance of the evidence.
- (3) All parties will be notified of the outcome of the investigation, and have 10 business days to appeal the decision on the grounds of:
 - (a) procedural error;
 - (b) previously unavailable relevant evidence that could significantly impact the outcome of the case; or
 - (c) belief that the sanction is substantially disproportionate to the findings.
- (4) Appeals must be made in writing and received by the Title IX Coordinator 10 calendar days from the date the College sends the investigation outcome notice. Tri-C will attempt to resolve all appeals within thirty (30) calendar days, but complex matters may require additional time. All parties will be notified, in writing, of the outcome of any appeal.

(G) Possible Sanctions and Interim Measures

- (1) If an employee or faculty member or a student is found to have violated the Sexual Misconduct Policy, the sanctions may include, but are not limited to, suspension, expulsion, no-contact orders, banning from campus or college-related activities, mandatory training, degree revocation. Students found to have violated this policy may also be subject to the student code of conduct. Employees or faculty members found to have violated this sexual misconduct policy may be subject to discipline up to and including termination.
- (2) Tri-C may take interim measures (such as a no-contact order, change in class schedule, suspension, etc.) while it is investigating complaints of violations of the Sexual Misconduct policy.

(H) The President or the President's designee is hereby directed to take all steps necessary and appropriate for the effective implementation of this procedure.

Effective date: June 28, 2018