

### I-2.1.6 Sexual Harassment, Sexual Violence, and Anti-Harassment

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Guilford Technical Community College is committed to providing an educational and working environment that is free from unlawful discrimination and harassment for faculty, staff, students, and third parties. This commitment extends to prospective employees (applicants) and students as well. See *V-1.1.1 Employment*, *V-1.1.10 Equal Opportunity*, and *V-5.1.6 Anti-Harassment* policies.

In accordance with [Title IX of the Education Amendments of 1972, 20 U.S.C.1681 et seq.](#), GTCC does not discriminate on the basis of sex in employment and in the educational programs and activities that it operates. Sexual harassment as defined by the applicable Title IX regulation is also prohibited.

Retaliation against anyone who brings forward a complaint or report in good faith pursuant to this policy is strictly prohibited. Anyone responsible for retaliation, or threats of retaliation will be subject to disciplinary action by GTCC, up to and including removal or termination from the college.

Reports of sexual discrimination or harassment, or of retaliation as described herein, should be brought to the attention of the Title IX Coordinator.

#### Procedures

##### Definitions Per Federal Title IX Requirements

1. Complainant – An individual who is alleged to be the victim of conduct that could constitute sexual harassment or other unwanted sex-based behavior.
2. Respondent – An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or other unwanted sex-based behavior.
3. Formal Complaint – A document filed by a complainant, which must contain the physical or digital signature of the complainant, or the Title IX Coordinator alleging sexual harassment or other unwanted sex-based behavior against a respondent and requesting that the college investigate the matter. At the time of filing, the complainant must be participating in or attempting to participate in the college's educational programs or other college activities. When the Title IX Coordinator signs a formal complaint, (see additional information below), the Title IX Coordinator does not assume the role of the complainant or a reporting party and must continue to comply with requirements to be free from conflict and bias in the subsequent investigation/adjudication process.
4. Reporting Person – any person who makes a report to the title IX coordinator or deputy Title IX coordinator about prohibited conduct and is seeking resources or support in response to sexual misconduct. A reporter can be a third party.
5. Supportive Measures – Individualized services that are reasonably available, non-punitive, non-disciplinary, and not unreasonably burdensome to any parties in the case

and that are also designed to ensure equal educational access, to protect the safety of all parties or the college's educational environment, or to deter sexual harassment. The Title IX Coordinator will confer with the parties and apply supportive measures without fee or charge to either party that are reasonable in light of known circumstances. Supportive measures are available to the complainant and respondent and shall be offered at any time at the request of either party or as deemed warranted by the Title IX Coordinator to ensure equal educational access and safety once the college receives notice of a possible Title IX matter. A formal complaint need not be intended or received in order for supportive measures to be requested or offered. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The college must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures.

6. Sexual Harassment – Sexual Harassment may take many forms. It is defined under Title IX as conduct on the basis of sex that meets one of the following:
  - a. Quid pro quo harassment – An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
  - b. Hostile Environment harassment – Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or other college activity;
  - c. 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. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, defined by the Clery Act (20 U.S.C. 1092(f)(6)(A)(v));
  - d. Dating violence - defined by the Violence Against Women Act ("VAWA") (34 U.S.C. 12291(a)(10)) – Crimes of violence against a person with whom the person has or had a social relationship, a romantic, or intimate relationship; Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
  - e. Domestic violence - defined by VAWA (34 U.S.C. 12291(a)(8)) - Crimes of violence against a current or former spouse or intimate partner, a person with whom the student shares a child in common, a person with whom the student cohabitates or has cohabitated as a spouse, a person similarly situated to the student as a spouse, a person who is related to the student such as a parent, child or person who is related to the student as a grandparent or grandchild;
  - f. Stalking – defined by VAWA (34 U.S.C. 12291(a)(30)) - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

Stalking behaviors may include persistent patterns of leaving or sending the victim unwanted items or presents; following or lying in wait for the victim; damaging or threatening to damage the victim's property; defaming the victim's character, or harassing the victim via the Internet through social media, email, or unwelcome contacts via telephone or text message, or by other electronic means such as posting personal information or spreading rumors.

7. 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. Consent cannot be inferred from the absence of a “no”; a clear “yes,” verbal or otherwise, is necessary. 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 in sexual activity. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time.

Consent has not been obtained in situations where the individual: a) is forced, pressured, manipulated or has reasonable fear that they will be injured if they do not submit to the act; b) 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 c) has a mental or physical disability that inhibits their ability to give consent to sexual activity. Anyone engaging in sexual activity without clear consent is in violation of this policy.

8. Retaliation - Intimidation, threatening, coercing or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy of the college, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing.
9. Title IX Coordinator – The college employee charged with primary responsibility for compliance with the college’s Title IX policy and procedures. The college also has Deputy Title IX Coordinators who report to the Title IX Coordinator. See page 6 of this policy for a list of, and contact information for, the Title IX Coordinator and Deputy Coordinators.
10. Confidential Resources – Information shared with a confidential official will not be disclosed to anyone else, including the college, except under very limited circumstances. Any individual may choose to seek support from confidential professionals on and off campus, including licensed professional counselors, medical health providers, clergy, and rape crisis counselors. See pages 6 and 7 of this policy for a list of some of the available resources.
11. Location Criteria – Title IX applies to people in the United States within educational programs or activities of institutions that receive Federal financial assistance. Educational programs and activities include locations, events, or circumstances over

which the college exercises substantial control over both the respondent and the context in which the unwanted behavior occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the college. Students who experience sexual harassment or unwanted sex-based behavior that comes from a member of the college but that is outside of an educational program or activity may request support services from the college and may still choose to file a police report or a non-Title IX conduct complaint.

12. Formal Grievance Process – The process by which formal, signed complaints are investigated and adjudicated in live hearings. See pages 8 through 14 of this policy for additional information.
13. Informal Resolution Process – An alternative process for resolving complaints that involves mediation and facilitated discussion. The Informal Resolution Process does not involve a formal investigation or live hearing. Remedial measures are available in the Informal Resolution process, but disciplinary measures require that the parties undergo the formal grievance process. All parties and the college must agree to engage in the Informal Resolution process in writing in order for it to occur. The process will be mediated by an impartial informal resolution facilitator. Either party (complainant or respondent) may withdraw consent to participate in the Informal Resolution Process at any time. In that event, the matter will revert to the formal investigation and hearing process. The Informal Resolution process is not available in cases where the respondent is an employee.
14. Training materials – All participants in the Title IX process are appropriately training for their roles pursuant to the standard set forth in the Title IX regulation promulgated by the U.S. Department of Education. Training materials are posted on the college's website.
15. Mandatory Reporter – An employee of the College who is required to share knowledge or reports of harassment and discrimination with the Title IX Coordinator or Deputy Title IX Coordinators. Reporters must include in their report all known information (i.e. name, date, time and location of incident). The following individuals are the College's Mandatory Reporters:
  - a. All Vice Presidents, Associate Vice Presidents, Deans, Department Chairs, Directors, Coordinators, and supervisors, including work-study supervisors;
  - b. All Human Resources staff;
  - c. Head Athletic coaches;
  - d. All Campus Police officers.
  - e. All other employees of the College who are not confidential employees are encouraged to promptly report any incident of sexual harassment to the Title IX Coordinator and provide all known information. Any employee with questions about their reporting obligations should contact the Title IX Coordinator.
16. Confidential Employee - (1) Any employee of the College who is a licensed medical, clinical, or mental health, or other healthcare professional [e.g., physicians, nurses,

physicians' assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision], when performing the duties of that professional role; (2) A pastoral counselor who is a person associated with a religious order or denomination and is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition. Confidential Employees who are employees of the College or contracted with the College and providing services and support in their official capacity are not required to report except when legally obligated to in cases where the information presented poses a significant threat to the safety of an individual or the campus community.

17. Inculpatory Evidence – evidence that shows or tends to show a person's involvement in an act or evidence that can establish guilt.
18. Exculpatory Evidence – evidence favorable to the respondent that exonerates or tends to exonerate the respondent of guilt.

#### Additional Definitions

Recognizing the ability to designate certain behaviors as eligible for investigation under this policy beyond the basic requirements of Federal Title IX guidance, the college has chosen to respond to any allegations of sexual exploitation using this policy. Sexual exploitation is defined as sexual voyeurism; invasion of sexual privacy; knowingly making unwelcome disclosures of an individual's sexual orientation, gender identity, or gender expression; recording in any way a sex act or related activity for which there was a reasonable expectation of privacy without the consent of the participants; prostituting another person or engaging in sex trafficking; engaging in sexual activity while knowingly infected with a sexually transmitted disease/infection (STD/STI) without informing the sexual partners; causing or attempting to cause incapacitation for the purpose of compromising the ability to consent to sexual activity or to make a person more vulnerable to non-consensual sexual activity; or misappropriation of another person's online identity for dating or sexual purposes; extortion based on sexual material.

#### Roles Within the Process

*The Title IX Coordinator* oversees the Title IX process at the college. The Title IX Coordinator receives complaints, ensures participants are notified of their rights, coordinates the provision of supportive services, assigns investigators, advisors and adjudicators, monitors deadlines, assists with hearing logistics, communicates regularly with participants, and monitors sanction compliance.

The Title IX Coordinator must be free from bias or conflict of interest. The Title IX Coordinator may not serve in any other role in the process. They may not, for example, investigate, adjudicate or act as a hearing advisor with respect to any complaint.

*The Title IX Committee* is a group of twelve full-time college employees, approved annually by the President's Leadership Team, who have volunteered to be available to serve as adjudicators, advisors and hearing officers. All members of the committee must be trained

on Title IX policies and procedures prior to participating in the Title IX process and shall receive on going Title IX-related training throughout their membership on the committee.

The Title IX Coordinator will assign volunteers from the Title IX Committee to serve as hearing officers on three-person hearing committees or as appeal officers as needed. An employee may only serve in one of these roles per case. Committee members assigned to hear a case or an appeal must be unbiased and free from conflicts of interest.

*The Title IX Investigators* are employees from across the college who have received appropriate training. In many instances, the Title IX Coordinator will determine on a case-by-case basis whether or not there is a need for more than one investigator to be assigned to investigate a case.

*Hearing Advisors* may be selected by the parties or appointed by the college. In many instances they are trained members of the Title IX committee. Parties must have hearing advisors with them during Title IX hearings. These advisors may be, but are not required to be, attorneys.

Parties are required to inform the college at least five instructional weekdays before a hearing if they will provide their own advisor and, if so, the advisor's name and relationship to the party. If a party does not identify an advisor, the college will provide a trained advisor at no cost to the party. Advisors may not speak on behalf of a party except when cross-examining witnesses during a formal hearing or responding to a question directed specifically to the advisor by the chair of the hearing committee.

### Scope

1. Employees engaging in sexual violence, harassment or retaliation are subject to disciplinary action up to and including dismissal (*V-2.1.2 Performance Improvement and Disciplinary Action Including Termination* policy). Students engaging in sexual violence, harassment or retaliation are in violation of the college's *IV-3.1.1 Student Conduct* policy. This type of behavior will result in sanctions against the student up to and including suspension or expulsion. Disciplinary action by the college does not preclude the possibility of criminal charges.
2. All students, employees, and others on campus are encouraged to report incidents, or knowledge of incidents, of sexual violence or harassment to the Title IX Coordinator. College employees designated as a mandatory reporter must promptly report incidents, or knowledge of incidents, of sexual violence or harassment to the Title IX Coordinator. If the Title IX Coordinator is implicated or otherwise has a conflict of interest, the report may be made to a Deputy Title IX Coordinator. Contact information for the Title IX Coordinator and the Deputy Title IX Coordinators is on page 6 of this policy.
3. The college will respond to formal complaints of sexual violence, harassment or retaliation by taking timely action to investigate and adjudicate the complaint. Sanctions and remedial actions will be designed to eliminate established sexual violence,

harassment or retaliation, prevent its recurrence, and address its effects. Students, employees, and others on campus may also choose to report incidents of sexual violence or harassment, including dating violence, domestic violence, or stalking, to law enforcement.

The college's internal investigation and the criminal investigation processes can occur simultaneously. The two processes have different procedures, burdens of proof and possible outcomes. The criminal process requires proof beyond a reasonable doubt and sanctions include community service and jail time, among other things. The college's process requires proof by a preponderance of the evidence and sanctions may impact enrollment or employment status.

4. The college will follow its Title IX grievance process (described below) before imposing any disciplinary sanction against a respondent. Supportive measures are not disciplinary or punitive in nature and may continue to be provided beyond the final outcome.
5. The college recognizes that not all behavior reported as sexual harassment under Title IX will meet the definitions outlined in this Title IX policy. The college's Title IX Coordinator will ensure that an initial review of a reported incident of discrimination or harassment is conducted within five (5) instructional weekdays of receiving a Title IX complaint to determine which of the college's policies apply. Non-Title IX administrators such as Student Conduct and Community Standards employees will likewise evaluate complaints submitted to them to determine if they contain sex-based concerns that may fall under title IX authority prior to opening a general conduct case. If so, the Title IX Coordinator will be alerted.

Matters not meeting the definitions of sex discrimination or harassment are not within the scope of Title IX jurisdiction may be covered by the *IV-3.1.1 Student Code of Conduct* policy.

### Reporting

The first step in addressing an inappropriate sex-based situation is to report it. You may report conduct that you witness even if you are not victimized by it yourself. However, at the time of the complaint, the complainant (victim) must be participating in or attempting to participate in the college's education programs or activities. The report may be made in person, by telephone, in writing, by e-mail, or via other electronic means. It can be signed or made anonymously.

Individuals are encouraged to contact:

<u>Title IX Coordinator</u> Dr. Ann Proudfit Vice President Student Services  Jamestown Campus Medlin Campus Center, Suite 4600 Phone: (336) 334-4822 ext. 50680 ahproudfit@gtcc.edu	<u>Deputy Title IX Coordinator for Students:</u> Kirby Moore Associate Vice President Student Services  Jamestown Campus Medlin Campus Center, Suite 4600 Phone: (336) 334-4822 ext. 50565 Email: <a href="mailto:kmoore1@gtcc.edu">kmoore1@gtcc.edu</a>	<u>Deputy Title IX Coordinator for Employees:</u> Cheryl Bryant-Shanks Associate Vice President, Human Resources/ CHRO Jamestown Campus Medlin Campus Center, Suite 4300 Phone: (336) 334-4822 ext. 50279 Email: <a href="mailto:cmbryantshanks@gtcc.edu">cmbryantshanks@gtcc.edu</a>
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Individuals can report an inappropriate sex-based situation online at:  
[https://cm.maxient.com/reportingform.php?GuilfordTechCC&layout\\_id=5](https://cm.maxient.com/reportingform.php?GuilfordTechCC&layout_id=5)

Students can file a formal Title IX complaint at:  
[https://cm.maxient.com/reportingform.php?GuilfordTechCC&layout\\_id=6](https://cm.maxient.com/reportingform.php?GuilfordTechCC&layout_id=6)

Reports may also be made to Campus Police's 24-hour direct line: (336) 819-2046

Reports may be filed with off-campus law enforcement agencies in addition to or instead of the Title IX Coordinator, the Deputy Coordinators or on-campus law enforcement.

Any report involving a minor will be shared with external child protective service (<http://www.ncdhhs.gov/dss/>). Local off-campus law enforcement agencies are listed below:

Guilford County Sheriff's Office 400 West Washington Street Greensboro, NC 27401 Phone: 336-641-3694 Email: <a href="mailto:sheriff@co.guilford.nc.us">sheriff@co.guilford.nc.us</a>	Greensboro Police Department 300 West Washington Street Greensboro, NC 27401 Phone: (336) 373-2287	High Point Police Department 1009 Leonard Avenue High Point, NC 27260 Phone: (336) 883-3224
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Students and employees are encouraged to report incidents to local campus authorities for prompt action. However, individuals may also contact the U.S. Department of Education's Office for Civil Rights (the federal agency that oversees Title IX compliance) to make a report:

*Office for Civil Rights, District of Columbia Office*  
U.S. Department of  
Education 400 Maryland  
Avenue, S.W. Washington,  
DC 20202-1475



Telephone: (202) 453-6020

Facsimile: (202) 453-

6021 Email:

OCR.DC@ed.gov

### Supporting

The trained college professionals designated below can provide counseling, information, and support in a confidential setting. These confidential resources (as defined in the *Definitions* section of this policy) will not share information about an individual (including whether that individual has received services) without the individual's express permission, unless there is a legal obligation to reveal such information (e.g., suspected abuse or neglect of a minor). These professionals are also available to help an individual make a report to the college or Campus Police:

Counseling and Disability Access Services	Student Support Services — Campus Coordinators
Medlin Campus Center, Suite 3800 Jamestown Campus (336) 334-4822 ext. 50038 askthecounselor@gtcc.edu	Greensboro Campus Office: 132 Continuing Ed. Center (336) 334-4822 ext. 53059  High Point Campus Office: H1-133 (336) 334-4822 ext. 50536

Non-campus resources are also available to support students who have become involved with Title IX behaviors. Live links to these resources are available through the college's Title IX webpage. Printed information follows:

Family Services of the Piedmont, <a href="https://www.fspscares.org/domestic-violence-sexual-assault/">https://www.fspscares.org/domestic-violence-sexual-assault/</a> Crisis Hotline (336) 273-7273		
Greensboro Office Washington Street Building 315 East Washington Street Greensboro, NC 27401 (336) 387-6161	High Point Office Slane Center 1401 Long Street High Point, NC 27262-2541 (336) 889-6161	Main Office - Jamestown (Ragsdale YMCA) 902 Bonner Drive Jamestown, NC 27282 (336) 889-6161
Rape, Abuse and Incest National Network, <a href="https://rainn.org/">https://rainn.org/</a> Telephone: 800-656-HOPE (4673) available 24/7		

Cone Health, <a href="http://www.conehealth.com/services/sexual-assault/">http://www.conehealth.com/services/sexual-assault/</a> Sexual Assault Nurse Examiners (SANE) are located at:		
Moses Cone Hospital 1200 North Elm Street Greensboro, NC 27401 Phone: (336) 832-7000	MedCenter High Point 2630 Willard Dairy Road High Point, NC 27265 Phone:(336) 884-3777	Wesley Long Hospital 501 N. Elam Avenue Greensboro, NC 27403 Phone: (336) 832-1000
Atrium Health /Wake Forest High Point Medical Center 601 N Elm St, High Point, NC 27262 Phone: (336) 878-6000		
City of Greensboro Police Department, <a href="http://www.greensboro-nc.gov/index.aspx?page=1991">http://www.greensboro-nc.gov/index.aspx?page=1991</a>		
North Carolina Council for Women – Sexual Assault Programs Directory (Statewide) <a href="http://www.councilforwomen.nc.gov/displayprograms-sa.aspx">http://www.councilforwomen.nc.gov/displayprograms-sa.aspx</a>		
National Sexual Violence Resource Center <a href="https://www.nsvrc.org/">https://www.nsvrc.org/</a>		

#### Best Practices for Victims

Victims of a sexual assault should take the following steps:

1. Go to a safe place as soon as possible.
2. On any GTCC Campus call 336-819-2046 (or extension 50911 from a campus phone) for police assistance. If you are off campus, call 9-1-1 for police assistance.
3. Stay on the phone with the dispatcher as long as you are needed.
4. The preservation of physical evidence may be critical for successful prosecution of the offender.
  - a. Do not change your clothes. If you do, put the clothing you were wearing in separate paper bags (not plastic) and take them to the hospital. This clothing may be used as evidence for prosecution. If you wear the clothes to the hospital, bring a change of clothes with you.
  - b. Do not clean your body or your clothes. Preserve all physical evidence. Do not wash, bathe, douche, comb your hair, or use the toilet if you can help it. Washing might be the first thing you want to do, but don't. You literally might be washing away valuable evidence. Wait until after you have a medical examination.
  - c. Do not alter or disturb the place where the assault occurred.
5. You may ask for a victim advocate to be present during the report taking. GTCC has a trained group of staff members who will support you and can assist you in

accessing medical and counseling services, and reporting the incident to the appropriate local law enforcement authorities. Contact the Title IX Coordinator for additional information.

6. You have the right to file a Title IX complaint with the college's Title IX Coordinator in addition to filing a criminal complaint.

#### Securing an Advisor

Parties may choose their own Advisors. The College does not endorse any attorney or legal team. If a student does not secure an advisor, the college will appoint one.

Respondents may wish to contact organizations such as:

- Legal Aid of North Carolina (<https://www.legalaidnc.org/>)
- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>)

Complainants may wish to contact organizations such as:

- Legal Aid of North Carolina (<https://www.legalaidnc.org/>)
- The Victim Rights Law Center (<http://www.victimrights.org>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>)
- The Time's Up Legal Defense Fund (<https://nwlc.org/times-up-legal-defense-fund>)

#### Investigation Process

1. Upon receiving a Title IX report, the Title IX Coordinator will review it and may conduct an initial intake meeting with the complainant to confirm that it meets the definitions contained in this policy. If the complaint is not anonymous, it should be signed by the complainant. If the complaint is anonymous, or if the complainant chooses not to sign it, the complainant's wishes should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. If the Title IX Coordinator makes this determination, they should document the reasoning in the case file. If the report is not signed and the Title IX Coordinator determines that grounds do not exist for the Title IX Coordinator to sign it, then the report will be maintained for informational purposes.
2. Upon receipt of a report with an identifiable complainant, the Title IX Coordinator must promptly contact the complainant confidentially to discuss the availability of supportive measures with or without the filing of a formal complaint, consider the complainant's wishes with respect to supportive measures, and explain the process for filing a formal complaint versus pursuing an informal resolution. Supportive measures may include but are not limited to: (a) no contact orders; (b) staggered meal times; (c) temporary changes in academic schedules or living arrangements to avoid contacts; (d) remote learning options; (e) counseling; (f) extensions of deadlines or other course related adjustments; (g) campus escort services; (h) leaves of absence; and (i) increased security and monitoring of areas of campus. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

3. Separately, the Title IX Coordinator may confer with other senior college administrators to determine whether or not health and safety concerns exist that should be addressed. Nothing in this policy and accompanying procedures precludes the college from removing a respondent from the college's education program or activity on an emergency basis, provided that the college undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. In addition, the college may place a non-student employee respondent on administrative leave during the pendency of a grievance process.
4. Note that, except as stated above with respect to removal on an emergency basis or on administrative leave, the college must follow the formal investigation and grievance process before imposing disciplinary sanctions or other actions not considered supportive measure against a respondent.
5. The Title IX Coordinator will use information from the initial intake meeting to determine how to move forward:
  - a. With a full Title IX investigation and hearing (with the Title IX Coordinator signing the report in lieu of a complainant if needed);
  - b. By remanding the case for non-Title IX investigation under the college's general Student Code of Conduct;
  - c. By referring the matter for informal resolution (except this option is not available unless both parties' consent and is never available if the respondent is an employee and the complainant is a student); or
  - d. By dismissing the complaint. In this event, the Title IX coordinator will provide written notice to both parties explaining the rationale for the dismissal.
6. If the Title IX Coordinator determines that a Title IX investigation is warranted, then the Title IX Coordinator will send written notice of the allegations to both parties and advise that an investigation will take place. Title IX investigators will be instructed to initiate an investigation within ten instructional weekdays. The investigative process will include but is not limited to: (a) conducting interviews with the Complainant, the Respondent, and witnesses; (b) visiting and documenting relevant sites; (c) collecting and preserving relevant evidence; and (d) identifying sources of expert information. Evidence collected, as well as a draft of the investigative report prepared by the Title IX investigators, will be provided to the parties who will then have ten instructional workdays to respond in writing. These responses will be added to the draft report to constitute the final report of the initial investigation. Once the final report is compiled the Title IX Coordinator will schedule the live hearing at least ten instructional workdays in the future and will provide a copy of the final report to the parties.
7. A party's medical records may not be collected without the express written consent of the party.

8. No “gag” orders will be imposed, and the parties will have equal opportunity to present witnesses and other evidence.
9. The Title IX Coordinator or the Deputy Coordinators will work with the investigators to send the parties written notices of investigative interviews or meetings, as well as of any hearing.
10. Should the complainant opt for the formal grievance process, they may opt out of that process and elect the Informal Resolution process at any time, as long as the respondent agrees to this election and the Title IX Coordinator does not conclude that it is unreasonable under the circumstances.
11. The college may, in its discretion, dismiss a complaint or allegations in a complaint if the complainant informs the Title IX Coordinator in writing that the complainant wishes to withdraw some or all of the allegations in the complaint; or if the respondent is no longer a student or employee; or if specific circumstances prevent the college from gathering sufficient evidence to reach a determination.

#### Hearing Process

1. Upon receipt of the full investigative report the Title IX Coordinator will identify three members of the Title IX committee who do not have a conflict of interest with respect to the matter to serve as voting members of the hearing committee. The three hearing officers will select a chair.
2. A hearing will be scheduled between ten and fifteen instructional weekdays from the Title IX Coordinator’s assignment of the case to the hearing committee. Student participants and their advisors will be notified in writing of the names of the hearing committee members and the hearing date. Parties will be notified of the requirement to state in writing any bias objections with their basis at least two instructional weekdays prior to the hearing’s scheduled date. The Title IX Coordinator will provide the parties and members of the hearing committee with copies of both the evidence collected and the investigative report at least ten instructional weekdays prior to the hearing date. Parties will be given the opportunity to attend a pre-hearing conference that will included but is not limited to the following topics:  
(a) purpose of the hearing; (b) hearing logistics; (c) summary of allegations; (d) summary of evidence; (e) rights and responsibilities of the parties and advisors; and (f) confirming attendance at the live hearing. Attendance at the pre-hearing conference is optional.
3. If a party does not have an advisor present at the live hearing, the college will provide, without fee or charge to that party, an advisor of the college’s choice. The advisor may be, but is not required to be, an attorney. The advisor’s purpose is to conduct cross-examination on behalf of the party. No party is permitted to conduct cross-examination themselves. Cross-examination may only be done by the advisor or by a member of the hearing committee. Other than with respect to cross examination, however, an advisor is

not permitted to speak to the Committee during the hearing unless it is to answer a direct question from the chair of the hearing committee.

4. If a party or witness does not submit to cross-examination at the live hearing, the hearing committee may still rely on any statement of that party or witness in reaching a determination regarding responsibility. The hearing committee may not draw a negative inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
5. Only relevant cross-examination and other questions may be asked of a party or witness. Before the party or witness answers any question, the chair must first determine whether the question is relevant and explain a decision to exclude a question that is not relevant. In so doing, the chair may request, but is not required to, hear the positions of the advisors with respect to the relevance of any cross-examination question and from the parties themselves with respect to the relevance of any other evidence.
6. Live hearings may be conducted with all parties physically present in the same geographic location or, at the request of any party or in the college's discretion, any or all parties, witnesses, and other participants may appear at the live hearing in separate rooms, virtually.
7. The hearing committee members are adjudicators, not investigators. They may review evidence, ask questions, and draw conclusions to make a finding, but they may not independently introduce or gather evidence. If in the course of a hearing the hearing committee members determine that they cannot make a reliable finding due to missing evidence, the chair may suspend the hearing and ask the Title IX Coordinator to secure the missing evidence via the investigators for a rescheduled meeting with the same hearing committee members.
8. The chair of the hearing committee will convene and provide order to the hearing. They will make determinations as to relevance and admissibility of testimony and evidence. Evidence of the complainant's prior sexual history is not relevant and should not be admitted unless it is offered to prove: (a) someone else, other than the respondent, committed the misconduct; or (b) it is evidence that may prove consent.
9. The respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the hearing.
10. A verbatim record will be made of the hearing.
11. The result of a completed hearing will be a majority vote by the committee members regarding violations of the college's Title IX policy and any resulting sanctions as they are defined in the Student Code of Conduct. The standard of evidence used will be preponderance of the evidence which means the evidence must show that it was more

likely than not that the respondent did engage in sexually harassing behavior. The Title IX Coordinator will provide the decision to all respondents and complainants and notify them of their appeal rights. Students whose complaints are dismissed without a full investigation will also have the right to appeal this decision. Appeals must be submitted in writing within five instructional workdays of receipt of the hearing committee's decision.

12. The decision of the hearing committee shall be based on a review of all the relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a complainant or a respondent. The decision should be reduced to writing and should include findings of fact, conclusions about what occurred and how it implicates college policy, the rationale for those conclusions as to the result with respect to each allegation, and any remedial measures afforded or sanctions imposed on either party. If the respondent is found responsible, remedies should be offered to maintain the complainant's equal access to education and may include the continuation or addition of supportive measures.
13. At this stage disciplinary sanctions may also be imposed on the respondent. Sanctions will vary based on the circumstances but could range from a warning, to mandatory training, to suspension or expulsion from the college. Nothing herein is intended to limit the ability of the college to impose a sanction that addresses the particularities of the misconduct.

### Appeals

1. Parties may only appeal a finding of responsibility for a Title IX violation. This condition having been met, parties will then have four eligible grounds for appeal:
  - a. Procedural irregularity that affected the outcome of the matter;
  - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
  - c. The Title IX Coordinator, investigators, or hearing committee members had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent specifically, that affected the outcome of the matter; or
  - d. The sanctions are not commensurate with the violation.
2. Should the Title IX Coordinator receive a timely appeal of responsibility on the basis of one of the four eligible grounds, one new member of the Title IX committee pool will be identified to serve as the appeal officer.
3. An appeal hearing will be scheduled within fifteen instructional weekdays from the Title IX Coordinator's receipt of the appeal. Student participants and their advisors will be notified of the details in writing at least ten instructional weekdays in advance of the appeal hearing. At least five instructional workdays before the hearing, all parties, advisors and the hearing officers will be provided with a "record on appeal," consisting of all evidence considered in the adjudicatory hearing, as well as a verbatim recording

of the hearing. The appeal will not include an opportunity for live cross examination by the advisors, who may still be present as observers at the wishes of their student participants.

4. Appeal officers will only consider evidence of bias, evidence that the college's procedures were not followed, or appellants' new evidence presented as part of establishing their grounds for appeal, i.e. they will not re-hear portions of the original case.
5. A decision by the appeal officer will determine the result as to whether to grant the appeal in full, to grant it in part, or to deny it. The standard of evidence used will be preponderance of the evidence. The decision must be reduced to writing and include the rationale. The Title IX Coordinator who initially received the report will notify all respondents and complainants of this final outcome.
6. In rare cases where new evidence is the basis for the appeal, the appeal officer may adjourn the case and remand it to the investigators to make additional fact findings to assist in a determination. Any evidence and a summary of any additional findings will be provided to the parties and to the appeal officer at least five instructional workdays before the appeals hearing reconvenes.
7. There shall only be one hearing and one appeal hearing per case. If more than one student wishes to appeal the outcome of a hearing, the Title IX Coordinator will collect all appeal requests and provide them to the appeal officer for simultaneous consideration at the appeal hearing. Committee officers may thus grant one appeal and deny another with the same decision.
8. The time frames provided in these procedures are a guide intended to assist all participants to reach a prompt conclusion to the matter. They are not intended, however, to cause the participants to act precipitously and may be adjusted with short term extensions upon a showing of good cause and with mutual agreement of the parties and the college.

#### Education

All college officials who participate on the Title IX Committee or who otherwise have responsibility for administering this college's policies and procedures with respect to Title IX will be appropriately trained. Training materials are available for public view on the college's website.

The Student Services Office shall offer annually educational programs dealing with sexual offenses and drug and alcohol education. Members of the GTCC counseling staff will be trained to provide initial support and referral for ongoing services to victims of sexual offenses.

#### Actual Notice

Any college employee who becomes aware of an incident of sexual violence or harassment



should report the alleged activity to the Title IX Coordinator. College employees designated as a mandatory reporter must report incidents, or knowledge of incidents, of sexual violence or harassment to the Title IX Coordinator. However, the college will not be considered to have actual knowledge of a complaint unless it is reported to the Title IX Coordinator, a Deputy Title IX Coordinator, mandatory reporter, or a college official with authority to institute corrective measures on the college's behalf.

A prospective complainant should be aware that merely informing a member of the faculty or staff, of a concern may not be sufficient to trigger actual notice on the part of the college.

There are many options for resolution of a complaint, and a complainant is encouraged to make a report even if that individual is not seeking disciplinary action against the respondent. The college will respect the complainant's stated preferences in determining whether to initiate an investigation and formal grievance process, as long as doing so would not be clearly unreasonable in light of the known circumstances. Support and resources will always be available to the parties involved regardless of the chosen course of action.

#### Retaliation

No person may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or this policy, or because the individual has made a report or complaint, testified, assisted, or participated in, or refused to participate in any manner in an investigation, proceeding or hearing.

Retaliation against anyone who brings forward a complaint pursuant to this policy is strictly prohibited. Anyone responsible for retaliation, or who threatens retaliation, will be subject to disciplinary action up to and including termination of employment or removal from the college. Complaints alleging retaliation may be filed in accordance with these procedures. The exercise of rights provided by the First Amendment does not constitute retaliation. However, all individuals should be cognizant of, and are charged with knowledge of, the limits of First Amendment protection. Anyone who makes a materially false statement in bad faith with respect to a complaint will be charged with a student conduct violation. Such a charge does not constitute retaliation.

#### Record-keeping

The college will maintain for a period of seven years records of (1) each investigation, determination, recorded hearing, disciplinary sanctions and remedies; (2) any appeal and the result; (3) any informal resolution and the result; (4) all training materials used to train the Title IX Committee members; (5) the basis for its conclusion that its response was not deliberately indifferent (the measures taken to restore or preserve equal access to the college's education program or activity); (6) if supportive measures are not offered, documentation regarding the reasons why such a response was not clearly unreasonable in light of the known circumstances.

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Revised	06/16/2016
Revised	07/17/2017 (contact name update)
Revised	04/30/2018 (contact name update)
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Revised	08/31/2020
Revised	03/10/2021 (contact update)
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Revised	06/06/2022 (procedures)
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