

# **Assurances**

## **Mineral Area College Title IX Sexual Harassment Policy and Procedures**

### **Statement of Nondiscrimination Policy**

Mineral Area College is committed to maintaining an environment that is free of discrimination on the basis of sex within its educational programs and activities. The College does not tolerate discrimination against or harassment of any individual or group based upon race, sex, color, religion, ethnic or national origin, genetic information, age, disability, sexual orientation, gender identity, gender expression, veteran's status, or any factor that is a prohibited consideration under applicable law. The prohibition on sex discrimination also prohibits Sexual Harassment, as defined in this Policy.

The Nondiscrimination Policy applies to registered or enrolled students, employees, contractors, vendors, visitors, guests, or other third parties.

### **Scope of Title IX Sexual Harassment Grievance Process**

The Sexual Harassment Grievance Process pertains to Sexual Harassment under Title IX, as defined by this Policy, committed by or against students and/or employees, when: (1) the conduct occurs on campus or other property owned or controlled by the College; or (2) the conduct occurs in the context of a College employment or education program or activity within the United States.

All members of the Mineral Area College community have the right to submit a complaint or raise concerns regarding Sexual Harassment under Title IX pursuant to this Policy without fear of retaliation.

A complete copy of the College's Title IX Sexual Harassment Policy can be accessed via the following link: <https://mineralarea.edu/consumer-information/>. Hard copies are available in the Dean of Students Office, Main Campus, Park Hills, Rm AS119.

In the event reported misconduct does not fall within the scope of this Policy, those claims may still be adjudicated under the relevant policies found in the:

[MAC Student Handbook - https://mineralarea.edu/media/2647/student-handbook\\_20-21\\_7\\_2.pdf](https://mineralarea.edu/media/2647/student-handbook_20-21_7_2.pdf)

[College Park Handbook - https://mineralarea.edu/media/2724/2020-21-policy-proceduresdocx.pdf](https://mineralarea.edu/media/2724/2020-21-policy-proceduresdocx.pdf)

[MAC Board Policy. https://mineralarea.edu/board-policies/](https://mineralarea.edu/board-policies/)

Complaints against students will be handled through student conduct policies, and complaints against employees will be handled under the applicable employment policies.

## **Definitions**

Sexual Harassment – Sexual Harassment is conduct based on sex that may be one or more of following:

- 1) Employee conditioning provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (*i.e.*, a *quid pro quo*), or
  - 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
  - 3) Sexual assault, stalking, dating/domestic violence, as defined herein.
- Sexual Assault – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
    - Sexual Assault includes, but is not limited to, the following acts when they occur without consent of the victim:
      - Any penetration, however slight, of the genitals or anus of one person with the genitals of another person,
      - Any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person,
      - Any sexual act involving penetration, however slight, of the genitals or anus of one person by a finger, instrument, or object,
      - Touching of another person's genitals or breasts under or over the clothing,
      - Touching of one person with the genitals of another person under or over the clothing.
  - Domestic Violence - Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
  - Stalking – Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress. A course of conduct is two or more incidents. Stalking includes “cyber-stalking,” a particular form of stalking in which a person uses electronic media.

- Dating Violence – Violence by a person who has been in a romantic or intimate relationship with the individual to whom the violence is directed. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

Complainant – A Complainant is any individual who is alleged to be the victim of conduct that could constitute sexual harassment under this Policy, in connection with his or her participation in or attempt to participate in an educational program or activity of the College. A Complainant may be a student, an employee, or a third party.

Respondent – A Respondent is an individual who is purported to be the perpetrator of conduct that could constitute sexual harassment. A Respondent need not be affiliated with the College in any respect.

Consent – Consent is defined as words or actions that show a knowing and voluntary agreement to willingly engage in agreed-upon sexual activity. Consent cannot be gained by force, requires communication between all involved individuals, and must be obtained one step at a time, e.g., consent for oral sex does not constitute consent for intercourse. Silence, non-communication, passivity, or lack of resistance should not be interpreted as an indication of consent. Previous consent does not imply consent to any future form of sexual activity. Consent can be rescinded at any time. Consent is not valid if: (a) it is given by a person who lacks the mental capacity to authorize the conduct and such mental incapacity is manifest or known to the actor; or (b) it is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct; or (c) it is induced by force, duress, or deception. Note: Use of alcohol and/or drugs by either party is not an excuse for violation of this policy. An intoxicated or incapacitated person cannot provide informed consent to sexual activity. Evidence of incapacitation may include, but is not limited to, unconsciousness, slurred speech, blacking out, and unusual behavior.

### **Title IX Coordinator**

The Title IX Coordinator is charged with monitoring the College's compliance with Title IX, ensuring appropriate education and training, coordinating investigations, responses, and resolution of all reports pursuant to this Policy. In his or her discretion, the Title IX Coordinator may also designate Deputy Title IX Coordinators to assist in the discharge of these duties.

Any questions or concerns regarding the College's application of this Policy may be addressed to the Title IX Coordinator.

The Title IX Coordinator may be reached in person during regular office hours, or by telephone, written correspondence, email, or other electronic communication at any other time.

**Julie Sheets**  
**Title IX Coordinator**  
Dean of Students  
5270 Flat River Road  
Arts and Sciences Building, Office AS119  
Park Hills, MO 63601  
573-518-2262  
[jsheets@mineralarea.edu](mailto:jsheets@mineralarea.edu)

**Kathryn Neff**  
**Deputy Title IX Coordinator**  
Director of Human Resources  
5270 Flat River Road  
Fine Arts Building, Office FA104  
Park Hills, MO 63601  
573-518-2378  
[kneff@mineralarea.edu](mailto:kneff@mineralarea.edu)

## **How to Report Potential Violations of This Policy**

### **Reporting Options**

- *Report to the Title IX Coordinator or Designated Responsible Employee*

Individuals who believe they have been subjected to, or are aware that another individual has been subjected to, Sexual Harassment in connection with a College education program or activity, and who wish to report a potential violation of this Policy should notify any of the following College contacts:

#### **For complaints against students:**

**Title IX Coordinator**  
Dean of Students  
Julie Sheets  
5270 Flat River Road  
Arts and Sciences Building, Office AS119  
573-518-2262  
[jsheets@mineralarea.edu](mailto:jsheets@mineralarea.edu)

#### **For complaints against employees:**

**Deputy Title IX Coordinator**  
Director of Human Resources  
Kathryn Neff  
5270 Flat River Road  
Fine Arts Building, Office FA104  
Park Hills, MO 63601  
573-518-2378  
[kneff@mineralarea.edu](mailto:kneff@mineralarea.edu)

Reports can be made through email, phone, in person, by mail, or the online reporting tool, [https://my.mineralarea.edu/ICS/Safety/Title IX Sexual Harassment Form.jnz](https://my.mineralarea.edu/ICS/Safety/Title_IX_Sexual_Harassment_Form.jnz).

Upon receipt of any report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures and explain

the process for filing a formal complaint. Reporting Sexual Harassment to the Title IX Coordinator does not automatically start the grievance process – the Title IX Coordinator will explain to the Complainant how to start the grievance process by filing a Formal Complaint. An individual can make a report of Sexual Harassment in order to obtain supporting measures and resources – an individual making a report of Sexual Harassment is not required to file a Formal Complaint.

- *Confidential Reporting*

Although the College encourages students and employees to bring reports of Sexual Harassment to the attention of the College for further investigation pursuant to this Policy, individuals who wish to maintain confidentiality may contact the following resources:

Mineral Area College Counseling  
Mark Easter  
5270 Flat River Road  
Student Services Office  
Park Hills, MO 63601  
[mceaster@mineralarea.edu](mailto:mceaster@mineralarea.edu)  
573-518-2211

Unlike reports of Sexual Harassment made to other College officials (which must be reported to the Title IX Coordinator), absent the student's consent and/or situations where they perceive a serious risk or threat of injury to any person or property, reports to or conversations with the confidential reporters listed above will not be reported to the Title IX Coordinator or other College officials for further investigation pursuant to this Policy.

Students and employees can also report crimes confidentially and/or may speak confidentially with the following:

- Off-campus rape crisis counselors
- Off-campus members of the clergy and chaplains

Some helpful off-campus resources include:

Medical Resource - Parkland Hospital  
SEMO Family Violence Council - 800-663-9929  
Sexual Assault Hotline 800-656-4673  
BHR Behavioral Health Crisis Hotline 800-811-4760  
National Suicide Prevention Hotline 800-273-TALK (8255)  
Sexual Assault Victims (Local Support Group) - 573-358-3913  
A Friend's Place (Domestic Violence Local Support Group) - 800-663-9929

The College will keep confidential the identity of Complainants, Respondents, and witnesses involved in Title IX hearings, except when disclosure is required by law or as necessary to carry out the purposes of this Policy.

- *Other Reporting Options and Resources*

There are times when the College may need to report an incident reported pursuant to this policy to local law enforcement. These circumstances may include, but are not limited to, incidents that potentially impact the health and safety of the Complainant and/or the College community. Complainants also may decide to notify local, state, or federal law enforcement directly themselves or may request that the College assist with off-campus reporting. The College will not wait for conclusion of a criminal investigation or proceeding to resolve complaints or begin the investigation and adjudication process described in this policy. The College will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation. This may result in temporary delays of the College's investigation and adjudication process while law enforcement evidence is gathered, but the College will resume the investigation and adjudication process described in this policy when law enforcement has finished its evidence gathering. Any delays in the investigation and adjudication process described in this policy will not impact any accommodations and/or supportive measures the College has provided to promote the safety and well-being of the Complainant or the community.

Mineral Area College  
Campus Police  
5270 Flat River Road  
Technology Building, Office T10  
Park Hills, MO 63601  
573- 631-2831

Local 911 Center  
Emergency – Call 911  
Non-emergency 573-431-3131

- *Amnesty*

The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time an incident of sexual violence occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report incidents of sexual violence to campus officials. A bystander or Complainant reporting in good faith or a victim reporting sexual violence to College officials or law enforcement will not be subject to disciplinary procedures for violations of the College's Alcohol and Drug Policies occurring at or near the time of the sexual violence. The College may initiate an assessment or educational discussion, or pursue other non-disciplinary options regarding alcohol and/or other substance abuse, in an effort to support the future health and well-being of its students.

## Offer and Provision of Supportive Measures

Upon receipt of a report, the Title IX Coordinator will promptly and confidentially reach out to the Complainant to discuss the availability of a variety of supportive measures. Supportive measures should also be offered to the Respondent as necessary and appropriate.

Supportive measures are designed to restore or preserve equal access to the College's education programs and activities, protect the safety of all parties and the educational environment, or deter Sexual Harassment. These supportive measures should be non-disciplinary, non-punitive, individualized, and provided free of charge. They must be offered regardless of whether a Formal Complaint is filed, and must be kept confidential to the extent that such confidentiality would not interfere with providing the supportive measures.

Examples of supportive measures 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

## Emergency Removal and Administrative Leave

The College reserves the right to remove a student Respondent from its educational program or activity on an emergency basis. Such a removal may only occur if, after an individualized safety and risk analysis, the College determines an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event a decision is made to remove a Respondent, he or she will be provided with notice by the Title IX Coordinator, and given the opportunity to challenge that decision immediately following the removal by submitting a request in writing to the Title IX Coordinator.

Likewise, a non-student employee Respondent may be placed on administrative leave during the pendency of the grievance process described in this Policy.

## **Filing a Formal Complaint of Sexual Harassment**

In the event that a Complainant wishes for the College to proceed with an investigation and hearing into the allegations of Sexual Harassment pursuant to the grievance process procedures in this Policy, he or she must file a Formal Complaint. A Formal Complaint is a document alleging Sexual Harassment against a Respondent and requesting that the College investigate the

allegation of Sexual Harassment. The Complainant must be participating in or attempting to access a College education program or activity at the time the Formal Complaint is submitted.

A Formal Complaint must be in written form, but it may be submitted in person, by mail, or by email. It must be signed by the Complainant but the required signature may be physical or digital.

A Title IX Coordinator may also initiate a Formal Complaint by signing it. The Title IX Coordinator may consider the specific facts and circumstances and whether there is a pattern of misconduct involving a particular Respondent. A Title IX Coordinator may only sign a Formal Complaint after he or she has contacted the Complainant and discussed supportive measures and the Formal Complaint process with the Complainant. The Title IX Coordinator must consider the Complainant's wishes for how the College responds to the report of Sexual Harassment. The Title IX Coordinator should balance campus safety concerns with respect for survivor autonomy.

The Title IX Coordinator may consolidate Formal Complaints where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where a Formal Complaint includes more than one Complainant or more than one Respondent, any references in this policy to a single Complainant and/or Respondent will also refer to multiple Complainants and/or Respondents.

### **Dismissal of Formal Complaints**

Upon receipt of a Formal Complaint, the Title IX Coordinator will review the allegations set forth therein and determine whether the Complaint may proceed. Although the allegations may still be investigated and resolved pursuant to another College policy (as noted above), Formal Complaints of Sexual Harassment brought pursuant to this policy *must* be dismissed if:

1. The conduct alleged would not constitute Sexual Harassment as defined in this Policy;
2. The conduct did not occur in connection with a College education program or activity;
3. The conduct did not occur against a person in the United States.

Furthermore, the Title IX Coordinator may, in his or her discretion, determine that even though it meets the basic threshold requirements to proceed, a particular Formal Complaint should be dismissed. Specifically, a Formal Complaint *may* be dismissed if:

1. Complainant notified Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations within;
2. Respondent is no longer enrolled or employed by the College;
3. Specific circumstances prevent the College from gathering evidence to reach a determination.

After an initial review of the Formal Complaint, the Title IX Coordinator will continue to monitor the investigation and evaluate the Formal Complaint to determine if the above criteria for dismissal apply.



Following any dismissal of a Formal Complaint, the Title IX Coordinator will simultaneously send a written notice to the parties of the dismissal and the reasons for the dismissal.

To the extent the behavior alleged in the Formal Complaint could constitute a violation of another College policy, it may be pursued under that policy. The Title IX Coordinator has the discretion to refer the allegations to the appropriate College official.

### **Prohibition of Retaliation**

There will be no retaliation against or adverse treatment of any individual who in good faith reports an incident under any part of this Policy or against any individual who participated in the investigation or adjudication process related to this Policy. Retaliation includes, but is not limited to, pressuring the person to drop or not support the complaint or to provide false information; engaging in conduct that may reasonably be perceived to adversely affect an individual's educational, living, or work environment; and/or threatening, intimidating, or coercing the individual or otherwise discriminating against any individual using their rights or responsibilities under this Policy. Reports of retaliation should be reported immediately to the Title IX Coordinator. Any reports or complaints of retaliation will be investigated and appropriate action will be taken.

### **Sexual Harassment Grievance Process Procedures**

#### **General Provisions**

If any party believes that the Title IX Coordinator has a conflict of interest or bias for or against the individual parties and/or for or against complainants or respondents generally, that party should report their concern to the President within five (5) business days of filing a Formal Complaint. If the President finds that a conflict of interest or bias exists, he/she will designate another individual to serve as Title IX Coordinator for the purposes of the specific grievance process involving the parties.

The Respondent will be presumed not responsible for the policy violation that is alleged in the Formal Complaint unless and until the Respondent is found responsible by the hearing decision maker at the conclusion of the grievance process.

The grievance process generally will be completed within ninety (90) days. However, extensions to this time frame may be granted at the request of either party, or at the discretion of the Title IX Coordinator when good cause exists for the delay. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities. The Title IX Coordinator will notify all parties in writing of the delay, the length of the extension granted and the reason for the extension.

## **Notice**

Within five (5) business days of the receipt of a Formal Complaint, the Title IX Coordinator or designee will issue a written notice to the parties. The written notice should include, if known, the identity of the parties, the conduct alleged to be Sexual Harassment, and the date(s) and location(s) of the incident(s). The notice will also include a statement that the Respondent is presumed to be not responsible for any policy violations. The notice must also inform the parties that they have the right to an advisor of their choice during the grievance process, that they may inspect and review evidence gathered during the investigation, and that the student Code of Conduct prohibits making false statements or submitting false information during the grievance procedure.

If during the course of the investigation, additional allegations are going to be investigated that were not included in the original notice, the Title IX Coordinator or designee will issue a supplemental written notice to the parties.

Parties will also be provided with notice of all meetings, interviews, or hearings at least three (3) business days in advance. Such notice will include the date, time, location, participants, and purpose of the meeting, interview, or hearing.

## **Advisors**

Each party has the right to select an advisor of their choice, and for that advisor to accompany the party to any part of the grievance process, including all meetings, interviews, and/or hearings at least five (5) business days in advance. An advisor may be a friend, family member, faculty member, mentor, attorney, or any other person of the party's choice who is available and agrees to serve as advisor.

It is the goal of the College to provide trained advisors to parties for the grievance process. A party may select an advisor from a list of individuals maintained by the Title IX Coordinator who have been trained and agreed to serve as advisors during the grievance process. A party's choice of advisor is not limited to those individuals on such a list. While a party may select any individual to serve as their advisor, only the individuals on the list maintained by the Title IX Coordinator will have received specialized training on the College's grievance process.

Parties must provide notice of who will serve as their advisor during any grievance hearings at least five (5) business days prior to the hearing. If a party does not have an advisor for a grievance hearing, an advisor will be selected by the Title IX Coordinator and will be provided for the purpose of cross examination during the hearing.

Advisors may offer advice to and confer with the party during any meeting, interview, and/or hearing, but generally may not speak on behalf of the party. The only time an advisor may speak on behalf of the party is to conduct cross examination questioning during a grievance hearing. Advisors are expected to comply with the Rules of Procedure and Decorum for hearings and remain respectful throughout the entire grievance process.

Any advisor who fails to comply with these policies, the Rules of Procedure and Decorum for hearings, and/or who does not treat all others with respect throughout the grievance process may be warned by the Title IX Coordinator, Investigator, and/or hearing decision maker for his or her first infraction. An advisor may be asked to leave the grievance proceeding if after being warned he or she continues to violate these policies or the Rules of Procedure and Decorum for a hearing, and/or continues to not treat others with respect. If an advisor is asked to leave a meeting, interview, or hearing, the proceeding will end and be continued at another time when the party has an advisor. Whether an advisor who has been asked to leave a proceeding may serve as an advisor to the party at a later meeting, interview, or hearing will be a decision in the sole discretion of the Title IX Coordinator.

### **Investigation**

The Title IX Coordinator or designee will designate an Investigator to conduct a fair, thorough investigation of the allegations in the Formal Complaint. The Investigator will have received training as outlined herein. The College may designate an outside investigator as Investigator.

The Investigator will provide written notice of any meetings or interviews to the parties and/or witnesses at least three (3) business days in advance of the meeting or interview. This notice will include the date, time, and location for the meeting, as well as who will be participating in the meeting and the purpose for the meeting.

The burden will be on the Investigator to fully and fairly investigate the allegations in the formal complaint. All parties will have an equal opportunity to present witnesses and evidence to the Investigator.

At the conclusion of the investigation, the Investigator will send a copy of the evidence that is directly related to the allegations in the Formal Complaint to the parties and their advisors for inspection and review. The parties will then have ten (10) business days in order to submit a written response to the evidence, if they choose to do so. The Investigator will consider any written response to the evidence before the completion of the investigative report. The Investigator will make all evidence that is directly related to the allegations available at the grievance hearing.

The Investigator will prepare an investigative report that fairly summarizes all the relevant evidence. The investigative report should include a description of all steps taken in the investigation as well as summaries of all interviews with parties and/or witnesses and all relevant evidence reviewed by the Investigator.

The Investigator will send a copy of the report to the parties and their advisors at least ten (10) business days prior to any hearing for the parties' review and written response.

## **Hearing**

After the conclusion of the investigation, a live hearing before a hearing decision maker will be held. The College may designate an outside decision maker to conduct the hearing and issue a final decision.

The hearing decision maker will issue notice of the hearing to the parties, including the date, time, and location of the hearing. This notice will be provided at least three (3) business days before the hearing. The hearing will be held pursuant to the Rules of Procedure and Decorum.

At the request of either party, the hearing will be held with the parties in separate rooms or locations, with the parties and hearing decision maker able to simultaneously see and hear each other through technology. Whether the hearing is conducted virtually or in person, it will be recorded.

The Investigator will make all evidence that is directly related to the allegations available at the grievance hearing. All parties may refer to such evidence and may use it in cross examination. The Investigator will provide a copy of the investigative report and all evidence that is relevant to the allegations in the formal complaint to the hearing decision maker. However, the hearing decision maker may not defer to the investigative report, and must objectively evaluate all relevant evidence and independently reach a determination regarding responsibility.

The Investigator, Complainant, and Respondent all have the ability to testify and call witnesses at the hearing, and to provide evidence to the decision maker. The decision maker will have the opportunity to ask questions of all parties and witnesses during the hearing. After the decision maker asks their questions, each party's advisor will have the opportunity to ask all relevant and follow up questions of the other party and all witnesses during cross examination. No party shall be questioned directly by the other party. Advisors must abide by the Rules of Procedure and Decorum in questioning parties and witnesses. Any advisor who does not abide by the Rules of Procedure and Decorum will be warned or dismissed from the hearing at the discretion of the decision maker.

The decision maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions during the hearing, including cross examination.

The hearing decision maker will state whether each question is relevant before the question is answered by the party or witness to whom it is directed, and explain any decision to exclude a question as not relevant. Questions or evidence that are deemed irrelevant by the decision maker will be excluded from the hearing. Formal rules of evidence shall not apply.

The following types of evidence are not relevant for purposes of adjudicating a claim of Sexual Harassment under this Policy:

- Evidence that is not pertinent to proving whether a fact material to the allegation is more or less likely to be true;
- Information that is protected by privilege (e.g. attorney-client privilege);
- Any party's medical, psychiatric, psychological, or counseling records without that party's voluntary, written consent to provide such information;
- Any information about the Complainant's sexual predisposition or prior sexual behavior, unless it is offered to prove that someone other than the Respondent committed the behavior alleged in the formal complaint or offered to prove consent;

Questions that are duplicative or irrelevant may also be deemed irrelevant.

In addition, when reaching a determination, a hearing decision maker may not base that decision on any statement by a party or witness who is not subject to cross-examination during the course of the hearing.

### **Determination of Responsibility**

The hearing decision maker will issue a written determination whether the Respondent is responsible for the policy violations alleged in the Formal Complaint within five (5) business days of the conclusion of the hearing. The hearing decision maker must determine the weight of the evidence and credibility of the parties in reaching a determination.

The written determination shall include:

- An identification of the allegations in the Formal Complaint;
- A description of procedural steps taken from the receipt of the Formal Complaint through the determination, including any notices, interviews, investigations, and hearings;
- Findings of fact that support the determination,
- Conclusions regarding the application of the policy to the facts;
- A statement and rationale for the result for each allegation including the determination of responsibility, any sanctions that will be imposed on the Respondent, and whether any remedies designed to restore and preserve equal access to the College's educational program will be provided to the Complainant; and
- The procedures and acceptable bases for appeal of this determination.
- The standard of proof will be "preponderance of the evidence," which means whether the evidence shows it is more likely than not that a policy violation occurred.

The written determination will be provided simultaneously to all parties. It will become final and any sanctions will take effect after the resolution of any appeal, or if no appeal is filed, within 48 hours after the issuance of the written determination.

## **Sanctions and Remedies**

If the Respondent is found responsible for any violations of policy, then the hearing decision maker will determine what disciplinary sanctions will be imposed on the Respondent and what remedies designed to restore and preserve equal access to the College's educational programs will be offered to the Complainant.

The possible sanctions that can be imposed on a Respondent found responsible include:

- Probation
- Written Warning
- Behavioral Agreement
- Loss of Privilege
- Restitution and/or Fines
- Restriction from Employment at the College
- Completion of Training or Educational Programming
- Assignment of Educational Project or Community Service
- College Housing Transfer or Removal
- Removal from Specific Courses or Activities
- No Contact Order
- Suspension
- Expulsion
- Transcript notation, hold, and/or notification to other institutions
- Withholding, delaying, or revoking the conferral of the degree

**Student-employees.** If a student-employee is found to have engaged in Prohibited Conduct, the student-employee may be subject to sanctions both in connection with their employment and in connection with their student status, as appropriate under this and other applicable processes.

The possible remedies that may be offered to a Complainant include:

- academic accommodations;
- counseling, education or training;
- monitoring or other individual support.

## **Appeals**

A party may appeal the determination of responsibility or a dismissal of a Formal Complaint by submitting a written request to the Title IX Coordinator within 48 hours of the issuance of the hearing decision maker's determination of responsibility. The request should include a short statement outlining the basis for appeal.

Appeals are limited to the following bases:

- Procedural irregularity that affected the outcome of the matter;

- New evidence that was not reasonable available at the time of the determination of responsibility or the dismissal of the Formal Complaint that would affect the outcome of the matter; or
- The Title IX Coordinator, Investigator, or hearing decision maker had a conflict of interest or bias for or against complainants or respondents generally that affected the outcome of the matter.

The Title IX Coordinator will forward all appeals materials to an appeals decision maker designated by the College, and will notify the parties in writing that an appeal has been filed. Each party will then have five days to submit a written statement in support of, or challenging the outcome of the hearing.

The appeals decision maker will issue a written determination of the outcome of the appeal, describing the result of the appeal and the rationale in support of that decision within five days of the deadline for parties to submit their written statements. The appeals decision maker's written determination will be provided simultaneously to all parties.

## **Training**

Campus safety and security are matters of significant importance on the Mineral Area College campus. The College provides safety information to the campus and also educational safety programming for students and employees. Available training includes the following:

Employees:

- Required to complete the training at their hire through Safe Colleges.
- Ongoing prevention and awareness training is offered in person every January and August at the College's organizational meetings.
- Campus Security Authority training is also provided annually.

Students:

- Students will also be trained in our First Year Experience course curriculum.
- All students will be required to complete a training module at the beginning of each semester.

For a list of specific programs offered, please see the College's Annual Security Report at: <https://mineralarea.edu/media/2822/2020-annual-security-and-fire-safety-report.pdf>

The College will ensure that the Title IX Coordinator, Investigator, decision-maker, and any person who facilitates an informal resolution has received training on:

- The definition of Sexual Harassment as set out in this Policy;
- The definition of Consent under this policy and how to apply the definition of Consent consistently and impartially;
- The scope of the College's education program or activity;
- How to conduct the grievance process, including investigations, hearings, appeals, and informal resolutions (as applicable); and

- How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, or bias.

Decision makers will also receive training on:

- How to operate any technology used in conducting a hearing; and
- How to determine relevance of questions and evidence, including the provisions of this policy pertaining to the exclusion of evidence of a Complainant's previous sexual behavior

Investigators will also receive training on:

- How to determine if evidence is relevant to an investigation; and
- How to create an investigative report that fairly summarizes relevant evidence.

All training materials used by the College must not rely on sex stereotypes and must promote the impartial investigation and adjudication of Formal Complaints. All training materials used to train the Title IX Coordinator, Investigator, decision maker, and any individual who facilitates an informal resolution must be made publicly available. These materials will be published at:

<https://mineralarea.edu/consumer-information/>

### **Recordkeeping**

The Title IX Coordinator must create and maintain for a period of at least seven (7) years records of any actions, including any supportive measures taken in response to a report or formal complaint of Sexual Harassment. For each instance, the Title IX Coordinator must document:

1) the basis for the conclusion that the College's response was not deliberately indifferent, and  
2) that the College has taken measures designed to restore or preserve equal access to the College's educational program or activity. If the Title IX Coordinator does not provide the Complainant with supportive measures, then the Title IX Coordinator must document why it was not clearly unreasonable to not provide supportive measures.

The Title IX Coordinator will also maintain the following records for a period of at least seven years:

- Records related to each Sexual Harassment investigation, including any determination regarding responsibility;
- Any audio or audiovisual recording or transcript from a grievance hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal from a grievance process and the result of the appeal;
- Records related to any informal resolution and the result of the informal resolution;
- All materials used to train the Title IX Coordinators, Investigator, decision maker, and any individual who facilitates an informal resolution.

*Revised and approved by Board of Trustees – October 27, 2020*