

DISCRIMINATION AND HARASSMENT POLICY

2022-2023

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1. INTRODUCTION

Tulsa Community College (TCC) is committed to establishing an environment for its students and employees that fosters inclusion, values equity and diversity, embraces and respects the dignity of people, and provides equal educational and employment opportunities. In compliance with all applicable federal and state laws and regulations.

Tulsa Community College does not discriminate based on race, color, national origin, sex, age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, genetic information, or any other basis protected by applicable discrimination law in its policies, practices, or procedures. This includes, but is not limited to, admissions, employment, financial aid, educational programs, activities, or services. The following are designated to handle inquiries regarding the non-discrimination policies.

Heather Hancock

Compliance Officer/Title IX Coordinator
909 S. Boston Ave, Room 505
Tulsa, Oklahoma 74119
Phone 918-595-7842
Email: TCCTitleIX@tulsacc.edu

The 504 Coordinator is designated to coordinate efforts to comply with and carry out responsibilities under Section 504 of the Rehabilitation Act of 1973, designed to protect the rights of individuals with disabilities in programs and activities.

Scott Gove

Dean of Students & Accessibility/504 Coordinator
7505 West 41st Street South
Tulsa, Oklahoma 74107
Phone: 918-595-7079
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Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, or social access, opportunities, or benefits of any member of the TCC community based on race, color, national origin, sex, age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, or genetic information violates the Discrimination and Harassment Policy.

This policy provides for the reporting and resolution of complaints of discrimination or harassment based on race, color, national origin, sex, age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, genetic information, or any other legally protected class; denial of reasonable accommodations for religion, and discrimination or harassment due to denial of reasonable accommodations for a disability.

For more information, visit our website at www.tulsacc.edu/civilrightscompliance

This policy includes prohibited conduct addressed in the Title IX Policy but with differing definitions in compliance with distinct federal law regulations. For example, the Title IX policy address dating violence, domestic violence, retaliation, sexual harassment, and stalking. Due to these federal law regulations, Tulsa Community College must address prohibited conduct differently depending on the circumstances of the alleged behaviors.

For questions or information regarding the Title IX Policy, visit our website at, www.tulsacc.edu/titleix

2. REPORTING DISCRIMINATION, HARASSMENT, OR RETALIATION

A Complainant has many options when deciding where and to whom to file a discrimination and harassment report:

- **Compliance Officer:** The Compliance Officer is available to discuss discrimination, harassment, or retaliation concern during business hours at 909 S. Boston Ave, Room 505, Tulsa, Oklahoma, Phone 918-595-7842.
- **ReportIt:** A discrimination, harassment, or retaliation report may be submitted at www.tulsacc.edu/reportit. Anonymous reports are accepted; however, it is impossible with an anonymous report to provide supportive measures. If you request a response and wish to remain anonymous, you may create an email address without direct identifiers and submit it on the form. Reporting carries no obligation to initiate a formal response, and the College respects the Complainant's request to dismiss complaints unless there is a compelling threat to health or safety. During the investigative process, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the College to discuss the option to file a formal complaint and provide supportive measures.
- **Mandatory Reporters:** All employees, including part-time and full-time, must report all acts of dating violence, domestic violence, harassment, threats, and bullying based on sex, retaliation, sexual harassment, sexual assault, and stalking to the Compliance Officer. A mandatory reporter must include their name when submitting a report.

Due to the fact employees are mandatory reporters, Complainants may want to consider whether they share personally identifiable details with College employees as they must be shared with the Compliance Officer. Employees must share all components, including the name(s) of the parties, if known, even if the person requests information not be reported..

As soon as a mandatory reporter has been notified of an incident, they should report it to the Compliance Officer to ensure supportive measures can be provided as quickly as possible. Supervisors of mandatory reporters shall not create additional processes within a department nor investigate a complaint before reporting to the Compliance Officer.

- **Campus Police:** A Complainant can choose to report any crimes in this policy directly to Campus Police by contacting 918-595-8888 or visiting a Campus Police office on any campus. Campus police are considered Mandatory Reporters and must notify the Office of Civil Rights when when they are made aware of a discrimination and harassment.

Confidential Reporting: If a Complainant would like the details of an incident to be kept confidential, the Complainant may seek confidential services from the following:

DVIS Outreach Counselor 918-805-4794 (text/voice)
DVIS 24-hour Hotline 918-743-5763
Employee Assistance Program 1-800-327-2251
Student Wellness Services 918-595-7569

Confidential Reporters will maintain confidentiality except in extreme cases of immediate threat, danger, or suspected abuse of a minor. Confidential Reporters will submit timely, anonymous, aggregated statistical information for Clery Act purposes unless they believe it would harm a specific employee or student.

Request for Confidentiality: If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want any form of resolution to be pursued, they may make such a request to the Compliance Officer, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating a pattern, predation, threat, weapons, or violence, TCC is not likely able to honor a request for confidentiality. In other cases, where circumstances allow the College to keep a request for confidentiality, the College will offer resources and supportive measures to the Complainant but will not otherwise pursue formal action. A Complainant has the right to have and can expect TCC to take reports seriously and to have those incidents investigated and resolved through these procedures.

Formal reporting still affords privacy to the Complainant; therefore, only a small group of officials who need to know will be informed. Human Resources may be involved in complaints against employees and Student Success & Equity for complaints against students. This small group of officials will typically be notified about the complaint, including but not limited to Investigators, Hearing Panelists, or Appeal Panelists and supervisors, as deemed necessary to preserve the 'parties' rights and privacy.

3. ON AND OFF-CAMPUS RESOURCES

The following supportive resources are available to students and employees who have been affected by any prohibited conduct, regardless of whether there is an investigation under this process:

- TCC Police 918-595-8888 or ext. 8888
- Family Safety Center 918-742-7480

24-hour Hotlines	
Police Emergency	911
DVIS Crisis Line	918-743-5763
Employee Assistance Program	800-327-2251 or www.bhsonline.com
Community Services	211 or https://csctulsa.org/211-oklahoma/
RAINN National Sexual Assault Hotline (Rape, Abuse, Incest, National Network)	800-656-4673 or www.rainn.org
National Domestic Violence	800-799-7233 or https://www.thehotline.org/help/
Crisis Text Line	Text RELIEF to 741741

4. PROHIBITED CONDUCT

4.1 Dating Violence: Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person. The existence of such a relationship shall be determined based on consideration of the following factors:

- The length of the relationship;
- The type of relationship;
- The frequency of interaction between the persons involved in the 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 that meet the definition of domestic violence.

4.2 Disability Discrimination: The College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations about individuals with disabilities. Under the ADA and its amendments, a person has a disability if a physical or mental impairment substantially limits one or more major life activities.

The ADA also protects individuals with a record of a substantially limiting impairment or who are regarded as disabled by the College, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts one or more major life activities, such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

4.3 Discrimination Based on Any Protected Class: Is defined as engaging in objectively and subjectively offensive verbal abuse, threats, intimidation, harassment, coercion, bullying, or other conduct that threatens or endangers the mental or physical health/safety or causes reasonable apprehension of any person based on a protected class that is severe, pervasive, or persistent, and objectively offensive, such that it, has the effect of creating an intimidating, hostile, or offensive environment that limits or denies the ability that adversely affects their employment or education, or individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

Allegations of discrimination based on race, color, national origin, sex and gender (not covered in the Title IX Policy), age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, or genetic information will be addressed under this prohibited conduct.

4.4 Domestic Violence: Dating violence is crime of violence committed by a:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of Oklahoma;
- Any other person against an adult or youth victim is protected from that 'person's acts under Oklahoma's domestic or family violence laws.

Domestic Violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions, or threat of actions that influence another person. To categorize an incident as Domestic Violence, the relationship between the Complainant and the Respondent must be more than just two people living together as roommates. The parties cohabitating must be current or former spouses or have an intimate relationship.

4.5 Pregnancy Discrimination: Is defined as engaging in behavior that discriminates against a student based on pregnancy or related conditions. Those behaviors include denying or limiting access to the educational environment by penalizing a student for absences due to medical conditions related to their pregnancy. If students are denied the opportunity to make up missed work due to a medical need and the faculty denies guidance from an official of the College about a specific pregnancy request.

4.6 Retaliation: Retaliation includes attempting to penalize or take adverse action against a person filing a complaint of discrimination or harassment, participating or assisting in any investigation, or resolving a complaint of discrimination or harassment. Adverse action includes, but is not limited to, making threats of actual violence against the person or that person's property, adverse educational or employment consequences, ridicule, intimidation, bullying, ostracism, reprisals, or other adverse action impacting employment, academic, health care, or institutional benefits. The College will impose sanctions on any faculty, student, or staff member found to be engaging in retaliation or on individuals who encourage third parties to retaliate on their behalf.

4.7 Sexual Harassment: Is defined as making unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact or communication of a sexual nature when:

- Quid Pro Quo
Submission to or rejection of such conduct or communication is made either explicitly or implicitly a term or condition of educational benefits, employment, academic evaluations, or other academic opportunities; or submission or rejection of such conduct or communication by an individual is the basis for an employment or academic decision affecting such individual.
- Hostile Environment
A hostile environment includes conduct that is severe, pervasive, or persistent, and objectively offensive, such that it has the effect of creating an intimidating, hostile, or offensive environment that limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

Discrimination based on sex or gender may occur in situations where there is a power differential between the parties (faculty-student, supervisor-employee) or where the persons share the same status (student-student, faculty-faculty) and between same or opposite sex (female-female, male-female, or male-male).

4.8 Sexual Misconduct: Is defined as engaging in non-consensual contact of a sexual nature. Sexual misconduct may vary in severity and consist of various behaviors. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation, or gender identity of those involved. The following are considered sexual misconduct:

- Non-Consensual Sexual Contact: Unwelcome sexual touching of intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering the same) touching an unwilling person with one's private parts or forcing an unwilling person to touch another's intimate parts;
- Non-Consensual Sexual Intercourse: Non-consensual sexual intercourse with another individual without their effective consent or by force, which could include penetrating any bodily opening with an object or body part. Sexual intercourse has vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation (mouth-to-genital contact) no matter how slight the penetration or contact;
- Sexual Exploitation: Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for one's advantage or benefit or to benefit or advantage anyone other than the one being exploited;
- Sexual Exposure: Engaging in indecent exposure, sexual acts in a public place, or voyeurism.

4.9 Stalking: Stalking refers to one who engages in the course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or to suffer substantial emotional distress.

- A course of conduct means two or more acts, including acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
- A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim;
- Substantial emotional distress means significant mental suffering or anguish, which may require medical or other professional treatment or counseling;
- The following includes the tracking of the movement or location of an individual through the use of a Global Positioning System (GPS) or another monitoring device by a person or persons who act on behalf of another without the consent of the individual whose movement or location is being tracked.

5. ASSESSMENT OF A DISCRIMINATION AND HARASSMENT REPORT

Upon notice of a report of discrimination, harassment, or retaliation, the Office of Civil Rights Compliance (OCRC) will assess whether an investigation will be conducted under this policy. The College may choose to forego a formal investigation under a variety of circumstances, for instance:

1. Anonymous correspondence;
2. Allegations that are communicated to OCRC only orally and not in writing;
3. A complaint is speculative, conclusory, incoherent, or fails to describe in enough detail to infer discrimination based on a protected class;
4. This policy does not cover the conduct described in the complaint;
5. The facts alleged in the report do not rise to the level of a policy violation;
6. Courtesy copies of correspondence or documentation filed with or otherwise submitted to another person or entity;
7. An appropriate resolution or remedy has already been achieved or has been offered and rejected;
8. The College has no authority over the Respondent;
9. The allegation was not filed timely, within 180 calendar days of the date of the alleged discrimination;
10. The complaint has been withdrawn; or
11. The Complainant stopped participating in the investigation but did not send a written withdrawal request;
12. When a formal complaint contains allegations already addressed or resolved by the College.

If a report has been filed and the assessment determines that the College will not investigate, the OCRC will send a notification letter explaining the reason(s) to the Complainant. To the extent appropriate under this policy, the Respondent will be provided the same letter if involved in the assessment.

If the OCRC determines no further action, the decision is final and non-appealable.

6. PROMPTNESS

All allegations are acted upon promptly by the College once it has received notice or a Formal Complaint. All investigations will be thorough, impartial, and fair. Investigations include interviews with relevant parties and witnesses, obtaining evidence, and research.

An investigation should usually be completed within 180 business days. The Compliance Officer may extend this time frame for a good cause, including College breaks. After the investigation is complete, the resolution process should usually be completed within 60-90 business days.

7. INDEPENDENCE AND CONFLICT OF INTEREST

Any individual involved in the resolution administration process including the Compliance Officer, Investigators, Hearing Panelists, and Appeal Officers, may neither have nor demonstrate a conflict of interest or bias for a party generally or for a specific Complainant or Respondent.

The Compliance Officer coordinates the College's responses to all complaints involving possible sex discrimination. This responsibility includes monitoring outcomes, identifying and addressing any patterns, and assessing effects on the campus climate with independence and authority free from bias and conflicts of interest. The Compliance Officer oversees all resolutions under this policy and these procedures. Investigators, Hearing Panelists, and Appeals Officers are vetted and trained to ensure impartiality by ensuring no actual or apparent conflicts of interest or disqualifying biases.

The investigation and resolution process involve an objective evaluation of all relevant evidence obtained, including evidence that supports the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or Witness.

The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the preponderance of the evidence.

Any party who feels that there is actual or perceived bias by the assigned Investigator, Hearing Panelists, or Appeals Officer that would impact the determination of the case may submit a written petition for the person's removal from the process. The petition should be submitted to the Compliance Officer. It can only be submitted within three (3) business days of the date of the Notice of Investigation. The petition should include specifics on how the actual or perceived bias by the assigned Investigator or the individual making the final determination could impact the outcome. The Compliance Officer will determine whether the concern is reasonable and supportable. If so, another individual will be assigned, and the impact of the bias or conflict, if any, will be remedied. After three (3) business days of the Notice of Investigation expiring, both parties waive the right to a petition.

If the Compliance Officer determines there is no conflict of interest or bias, the decision is final and non-appealable.

Employees or students should contact the Chief Strategy Officer to raise any concern involving bias, conflict of interest, or report misconduct or discrimination by the Compliance Officer.

8. RESOLUTION OPTIONS

The College will resolve discrimination and harassment complaints through either an Informal or Formal process.

Informal Resolution Process

The Informal Resolution process may be an appropriate choice when the conduct involved is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. No formal investigation is involved in the Informal Resolution process, and no finding is made.

The Compliance Officer will determine if an Informal Resolution process is appropriate based on the nature of the conduct at issue. The College reserves the right to agree with the Complainant without the Respondent's consent when the Respondent is an employee.

For the Informal Resolution process to be considered, a formal complaint must be filed, as defined in this policy. All persons involved in an Informal Resolution process are expected to maintain the privacy of the proceedings and final agreement.

The College will document any Informal Resolution agreement for retention by the OCRC, which will be kept confidential to the extent permitted by law. The Compliance Officer maintains records of any resolution reached. Failure to abide by the resolution agreement may result in appropriate disciplinary actions.

Formal Resolution Process

The Formal Resolution process includes a formal investigation.

After the investigation is complete, the assigned Investigator will prepare an Investigation Report to be provided to a panel to determine the finding and sanctions. The College will designate a three-member panel referred to as the Hearing Panel, from a pool of designated trained employees at the discretion of the Compliance Officer. One of the three members will be appointed as the panel chair. Members of the Hearing Panel will not have had any previous involvement with the investigation. The Compliance Officer may elect an alternate from the pool of designated trained employees to sit in throughout the decision-making process if a substitute is needed.

The Compliance Officer, Investigator, and the three Hearing Panelists will meet without the Complainant and Respondent. The Hearing Panelists will be allowed to ask the Investigator questions about the Investigation Report or the Compliance Officer about process clarifications. The Chair will dismiss the Compliance Officer and Investigator after all questions have been answered for the three Hearing Panelists to deliberate.

In cases where a Respondent has allegations involving the discrimination and harassment policy and another college policy, all allegations will be resolved using this policy. The College does not want to require individuals to engage in more than one resolution process. If an allegation includes conduct covered by the Discrimination and Harassment Policy, then the Formal Resolution process outlined in this policy will be used to address all allegations. For example, if there is an allegation of disability harassment and an allegation of violating the computer usage policy, both allegations would be addressed simultaneously through the Formal Resolution Process. This practice assures that no one is subject to multiple processes and allows the College to maintain the appropriate level of confidentiality.

Previous disciplinary action involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only viewed at the sanction stage of the process and is not shared until then.

Upon completion of the investigation and the Formal process, the Compliance Officer or designee will issue each party a written Outcome Letter, including findings, sanctions, if applicable, and continued supportive measures.

9. STUDENT INTERIM SUSPENSION

To quickly respond to an emergent situation, TCC may institute an Interim Suspension of a student from some or all of TCC-owned and controlled property and programs (may include remotely delivered courses). An Interim Suspension of a student will be instituted if there is an immediate threat to any student's or other party's physical health or safety. Students will be notified of their removal and have a right to appeal it to the Dean of Students & Accessibility or designee.

Appeals should be submitted on the form provided on the TCC Report It website. The Dean of Students & Accessibility or the designee will review the written request. The following will be checked: the initial reason for removal, any new information made available, and other pertinent information provided by the student. The purpose of this review is not to determine responsibility but to determine if there is a continuing threat to the physical health and safety of a TCC student or other party.

The hearing board or designee will issue one of the following outcomes: dismiss, modify, or affirm the interim suspension. The decision of the Dean of Students & Accessibility is final.

10. EMPLOYEE ADMINISTRATIVE LEAVE

An employee may be placed on Administrative Leave during the pendency of the Informal or Formal Resolution process when an allegation of misconduct is made against an employee. Depending on the severity of the allegation, the Administrative Leave may be with or without pay.

Administrative Leave with or without pay may be used when it is determined to be in the College's best interest that an employee is not on campus for a period of time. Administrative Leave must be approved by the Chief Human Resources Officer or their designee. While on paid Administrative Leave, the employee must be responsive to requests by the College, or pay may be suspended while a decision is made about employment. (See the employee handbook for more information.)

11. THE INVESTIGATION PROCESS

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses, obtaining relevant evidence, and identifying sources of expert information as necessary. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to thoroughly review and respond to all evidence on the record.

- A. Investigator Assigned:** An Investigator will be assigned when a determination is made to proceed with an investigation.

- B. Notice of Investigation and Allegations:** At the outset of an investigation, the Complainant and Respondent will be advised of the investigation and the allegations in writing. Either party is allowed to have a support person present during the investigation process, which includes meetings with the Investigator.
- C. Opportunity to Participate:** The Complainant and Respondent will have a chance to respond to the Notice of Investigation and Allegations in writing and a meeting with the assigned Investigator. Both parties have the right to request that the Investigator meet with relevant witnesses and evaluate relevant evidence.
- D. Investigation:** The Investigator will interview all available, relevant witnesses and conduct follow-up interviews as necessary. The Investigator will provide a comprehensive Investigation Report summarizing the investigation, witness interviews, and addressing all relevant evidence. Appendices, including relevant physical or documentary evidence, will be included.

Before the conclusion of the investigation, the Investigator will provide the parties with a copy of the investigation report and an opportunity to inspect and review all of the evidence obtained as part of the investigation. The report will include information directly related to the reported misconduct for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The Investigator may elect to respond in writing to the parties' submitted responses and share the parties' responses for additional clarity.

The Investigator will incorporate relevant elements of the parties' written responses into the final Investigation Report, including any additional pertinent evidence, make any necessary revisions, and finalize the report. The Investigator should document all rationales for any changes made after the review and comment period. When completed, the Investigator will submit the report to the Compliance Officer.

- E. Evidentiary Determination:** The Investigator has broad discretion in determining whether an offered witness or documentary evidence would be relevant or helpful to a determination. For example, an Investigator might decline to speak to a witness because there is not sufficient basis that the person could have relevant information to the factual determination; the information to be solicited would be repetitive, or confidentiality concerns outweigh the importance of the information.

12. COUNTERCLAIMS

Counterclaims by the Respondent may be made in good faith but are sometimes made in retaliation. The College is obligated to ensure that any process is not abused for retaliatory purposes.

The College permits the filing of counterclaims but uses the initial assessment described in this policy to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures in this policy, typically after resolving the underlying allegation(s).

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation at the discretion of the Compliance Officer. When counterclaims are not made in good faith, they will be considered retaliatory and may violate this policy.

13. SANCTIONS

Any person found responsible for violating the Discrimination and Harassment Policy may be assigned one or more of the following sanctions:

13.1 Written Warning: An official written notice of violation of college policies.

13.2 Conduct Probation: A specified period during which the person is placed on formal notice that they are not in good standing with the College and that further violations of college regulations will subject them to suspension, expulsion, or termination from the College.

13.3 Restitution: Reimbursement for damages to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

13.4 Discretionary Sanctions: Work assignments, essays, and service to the College, program participation, or other related discretionary assignments, including a letter of apology, presentation of a workshop, performance improvement plan, training, preparation of a research paper or project, community service, evaluation of any referral assessment, or counseling, as deemed appropriate.

13.5 Class Removal: A student may be removed from a course or moved to another course section.

13.6 Demotion: An employee may be promoted to a lower-grade position. Demotions may be within the same department, to another location at the College, or in another job in another department.

13.7 Job Reassignment: An employee may be moved temporarily or permanently to a different position or location.

13.8 No Contact Order: A No Contact Order is an absolute prohibition from contact with a specified person or persons in any form whatsoever, including contact in person, by phone, electronically, and through another person. A No Contact Order may be implemented as a supportive measure. Supportive measures can be implemented without a formal complaint, conduct process, or investigation. A new investigation may occur if there is an allegation of violating a No Contact Order.

13.9 Restriction: A limitation on a student's and employee's privileges for a period of time may include the denial of the use of facilities or access to locations on campus, denial of the right to represent the College, and denial of participation in extracurricular activities not directly associated with academics (e.g., intramural sports, organizations/clubs/associations, or leadership positions on campus, or other organizations).

13.10 Revocation of Admission or Degree: Admission to TCC, a College Program, or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the admission or degree or for other serious violations committed while a student at TCC.

13.11 Suspension: Suspension is the exclusion from all classes and other privileges or activities for a specific time as outlined in the notice of suspension. Suppose a transcript is requested during the suspension period. In that case, a letter will be sent with the transcript to the requesting party/institution stating the student is under suspension for conduct reasons. Only unofficial transcripts will be released to the student directly. Any tuition refund or fees will be subject to the College's standard withdrawal policy.

13.12 Expulsion: Expulsion is the permanent termination of student status without the possibility of readmission to the College. A standard of clear and convincing evidence must be the burden to issue an outcome of expulsion. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's history in the Registrar's Office. Suppose a transcript is requested during the expulsion period. In that case, a letter will be sent with the transcript to the requesting party/institution stating the student has been expelled for conduct reasons. Only unofficial transcripts will be released to the student directly. Expulsion becomes a permanent part of a student's conduct record. Any tuition refund or fees will be subject to the College's standard withdrawal policy.

13.13 Termination: Removal of employment for a full or part-time employee, including work-study students.

Respondents assigned sanctions are expected to comply within the timeframe specified. Failure to follow through on sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions according to the Code of Conduct for students and the Employee Handbook for employees.

Sanctions shall not be implemented until the appeal deadline has expired, the entire appeal process is complete, or the individual voluntarily waives the right to appeal in writing.

14. APPEAL PROCESS

Both parties, Complainant or Respondent, may request an appeal of the findings or sanctions from the Formal Resolution process. Appeals must be submitted to the Compliance Officer within seven (7) business days of the date of the Outcome Letter.

An Appeals Panel will review the request for an appeal to determine if the request meets the grounds for an appeal. During the review process, the person who initiated the appeal must show the grounds for an appeal to have merit. A review of the appeal will be completed to determine if the request meets at least one of the three grounds for appeal and is filed timely.

Grounds for an Appeal

Appeals are limited to the following:

- A. A procedural irregularity that affected the finding and sanction from the Hearing Panelist;
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made could affect the finding and sanction of the matter; and
- C. The severity of the sanction.

The appeal process will require the Appeals Panel to review the appeal from the documentation provided without meeting with the Complainant or Respondent. The Appeals Panel will be chosen from a group of designated trained employees.

This appeal process is intended to be utilized when there is a documented error, new evidence is unavailable during the investigation, or the sanction is too severe related to the violation. Dissatisfaction with the finding and sanction is not grounds for approval of an appeal.

Before the Appeals Panel review, if an opposing party or College Investigator is involved in the case, they will be given seven (7) business days to provide a written response to the appeal. The Appeals Panel will review the

record of the original resolution process, including documents, the appeal, and any written responses to the appeal, if applicable, and issue a finding as to the merits of the appeal.

The Appeals Panel has ten (10) business days to render a decision. If the Appeals Officer Panel finds merit in the appeal, the reason will be noted, and the case will be sent back to the original Hearing Panelist for another review. The original Hearing Panelist has ten (10) business days to review and respond accordingly to the information from the Appeals Officer Panel. The decision of the Hearing Panelists' second review is final.

If the Appeals Panel determines the appeal does not support one of the three grounds for an appeal, the appeal will be denied, and the original decision will be finalized.

15. WHEN A COMPLAINANT DOES NOT WISH TO PROCEED

Suppose a Complainant does not wish for their name to be shared, does not wish for an investigation to occur, or does not want a formal complaint to be pursued. In that case, they may make such a request to the Compliance Officer, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law. The Compliance Officer has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so. The Compliance Officer may determine an investigation is needed upon completing an appropriate risk assessment. The Compliance Officer's decision should be based on the risk assessment results that show a compelling risk to health or safety that requires the College to pursue formal action to protect the community.

A compelling risk to health or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, or violence. The College may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes. The Compliance Officer must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue an investigation fairly and effectively.

If the College proceeds, the Complainant may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this policy irrespective of their level of participation.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation. The goal is to provide the Complainant with as much control over the process as possible while balancing the College's obligation to protect its community. If the Complainant elects to take no action, they can change that decision if they request an investigation later. Upon filing a complaint, a Complainant has the right to expect allegations taken seriously by College and have the incidents investigated and properly resolved according to this policy and procedure.

16. WITHDRAW OR RESIGNATION WHILE ALLEGATIONS ARE PENDING

Student Withdraw

If a student has an allegation pending for violation of the policy, the College may place a hold on a student's ability to graduate or to receive an official transcript/diploma.

Should a student decide not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the College, the resolution process ends, as the College no longer has disciplinary jurisdiction over the withdrawn student.

However, the College will continue to address and remedy any systemic issues or variables that may have contributed to the alleged violation(s) and any ongoing effects of the alleged discrimination, harassment, or retaliation. The student who withdraws or leaves while the process is pending may not return to the College. The such exclusion applies to all campuses of the College. A hold will be placed on their ability to be readmitted. They may also be barred from College property or events.

If the student Respondent only withdraws or takes a leave for a specified time (e.g., one semester or term), the resolution process may continue remotely. Students are not permitted to return to College unless and until all sanctions have been satisfied.

Employee Withdraw

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the College no longer has disciplinary jurisdiction over the resigned employee.

However, the College will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the College or any campus of the College. The records retained by the Compliance Officer will reflect that status.

Any official College response by Human Resources to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

17. INVESTIGATION AND RESOLUTION TIMELINE

Once the decision is made to proceed with a formal investigation, the Title IX Coordinator appoints an Investigator to conduct the investigation, usually within seven (7) business days of determining that an investigation should proceed. A Notice of Investigation and Allegations will be provided to the Complainant and Respondent advising that an investigation will occur under this policy and include a general statement about the complaint.

All investigations will be thorough, impartial, and fair. Investigations include interviews with relevant parties and witnesses, obtaining available evidence and research. The College will communicate regularly with the parties to update them on the progress and timing of the investigation. At any point in the inquiry or investigation, if it is determined there is no reasonable cause to believe there was a policy violation, the OCRC has the authority to terminate the investigation.

The College will take action only concerning allegations that have been filed within 180 calendar days of the date of the alleged discrimination. TCC may extend this time limit if a good cause can be shown.

Investigations are completed expeditiously, generally within 180 business days after the College has received a Notice of an Allegation, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. The Office of Civil Rights Compliance may extend this time frame for a good cause, including College breaks.

After the investigation, the College will make a good faith effort to complete the resolution process within 60-90 business days, including an appeal, which can be extended as necessary for reasonable cause by the Title IX Coordinator. The Compliance Officer will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

18. EVIDENTIARY STANDARD

For a student or employee to be found responsible, the information must support a determination that it is more likely than not that a violation of the Discrimination and Harassment Policy has occurred.

19. CONFIDENTIALITY

Reports of discrimination, harassment, or retaliation and investigations are kept confidential to the extent possible to reach a thorough and effective resolution of the allegation. Information about the Complaint will be shared only on a need-to-know basis to follow the procedures outlined in this policy and meet the College's obligation to address discrimination, harassment, or retaliation. All participants in the resolution process are asked to respect the matter as confidential.

20. RECORDING

The College will inform participants before beginning any audio recording of a meeting. Others will not be allowed to make a recording of any type. All recordings are the property of the College. Requests to review audio recordings may be made to the OCRC. The recording will be retained in the confidential file.

21. DEFINITIONS

21.1 Business Day: Monday through Friday, except federal or state holidays and any other days, Tulsa Community College is closed. Deadlines may be extended during breaks and College holidays.

21.2 College: Tulsa Community College

21.3 College Premises: The buildings or grounds owned, leased, operated, or substantially controlled by the College.

21.4 Complainant: An individual alleged to be the victim of conduct that could constitute sexual harassment, discrimination based on a protected category, or retaliation for engaging in a protected activity.

21.5 Dean's Hold: Restriction to enroll or may restrict transcript release.

21.6 Discrimination: Discrimination, including harassment, is defined as conduct directed at a specific individual or group that subjects the individual or group to treatment that adversely affects their employment, education, or access to institutional benefits based on race, color, national origin, sex, age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, or genetic information.

21.7 Effective Consent: is informed, freely, and actively given, using mutually understandable words or actions that indicate a willingness to participate in mutually agreed-upon sexual activity. Initiators of sexual activity are responsible for obtaining effective consent. Silence or passivity is not effective consent. Intimidation, coercion, threats, force, or violence negates any consent obtained. Consent is ineffective if obtained from an individual

incapable of giving consent due to lack of consciousness, age, mental disability, or incapacitation due to ingestion of drugs or alcohol. Consent can be revoked at any time.

Consent cannot be given by an individual who is asleep or mentally or physically incapacitated either through drugs or alcohol or for any other reason or under duress, threat, coercion, or force.

21.8 Harassment: Harassment is a form of discrimination that is defined as verbal or physical conduct that is directed at an individual based on race, color, national origin, sex, age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, or genetic information when such conduct is severe, pervasive, or persistent, and objectively and subjectively offensive, such that it, has the effect of creating an intimidating, hostile, or offensive environment that limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

21.9 Investigator: The person or persons charged by the College with gathering facts about an alleged violation of this policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

21.10 Investigation Report: The report of an investigation prepared by the investigator after a report or complaint is filed, processed, and investigated.

21.11 No Contact Order: A prohibition of direct or indirect physical, verbal, or written contact between two parties. A No Contact Order is provided by the College, not by law enforcement.

21.12 Notice of Investigation & Allegation: A written statement provided to the Complainant and Respondent advising of an investigation and a specific statement of the allegation that will be investigated.

21.13 OCRC: Office of Civil Rights Compliance.

21.14 Outcome Letter: A letter provided to both parties at the end of the investigation will include the finding of responsible or not responsible and any sanctions if there is a finding of responsibility. In short, the Outcome Letter will consist of findings and sanctions, if applicable, at the end of an investigation.

21.15 Parties: The Complainant(s) and Respondent(s), collectively.

21.16 Privacy: Information related to a complaint will be shared with a limited number of College employees who need the knowledge to assist in the report's assessment, investigation, and resolution. According to state and federal law, all employees involved in the College's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information. Student education records' privacy will be protected per the Family Educational Rights and Privacy Act (FERPA). Employee records' privacy will be protected per the Records policy within the TCC Employee Handbook.

21.17 Protected Class: Groups of individuals protected from discrimination by law based on race, color, national origin, sex, age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, or genetic information.

21.18 Report: For this policy, a report is an information about an allegation of discrimination and harassment communicated to the Compliance Officer. A report will prompt the OCRC to notify a Complainant about supportive measures and the process to file a formal complaint, but it does not prompt an investigation. A report is not required to be in writing and can be filed by a third party. A report can include an oral report, written report, personal observation, a newspaper article, an anonymous report, or other various means.

21.19 Respondent: An individual alleged to have exhibited conduct that could constitute discrimination, harassment based on a protected class, or retaliation for engaging in a protected activity.

21.20 Retaliation: The College will not tolerate retaliation against a person who, in good faith, brings a complaint under this policy forward. Retaliation against an individual who has brought a complaint forward or against an individual who has participated in an investigation or conduct process is prohibited. Prohibition against retaliation extends even if the Complainant does not want to request a formal investigation. Retaliatory actions include threats or actual violence against the person or that person's property, adverse educational or employment consequences, ridicule, intimidation, bullying, or ostracism. The College will impose disciplinary actions on any faculty, student, or staff member found to be engaging in retaliation or on individuals who encourage third parties to retaliate on their behalf.

21.21 Sanction: A disciplinary action imposed for students or employees who are found responsible for violating this policy. Sanctions are designed to include educational measures that hold students and employees accountable for their behavior, providing the opportunity for behavior change. Sanctions can range from a written warning to expulsion and termination.

21.22 Student: A person who has been admitted or enrolled for the current or future term at Tulsa Community College, including all modes of remote instruction. Students who leave the College before a complaint is resolved may be prohibited from future enrollment until the matter is resolved.

21.23 Student Code of Conduct: The code of standards and expectations consistent with its purpose as an educational institution. The Student Code of Conduct conveys these standards and expectations.

21.24 Support Person: A person who has agreed to provide support to a Complainant or Respondent during the College investigative and resolution process. The Support Person is an individual chosen by the student or employee, such as a parent, friend, or attorney. The College does not provide a support person for either party. Any compensation for a support person is the responsibility of the student or employee. A support person may not speak for the student or employee. An individual can only have one support person in attendance at any given time. Supervisors are not permitted to be a support person for a direct subordinate. Supervisors can be a support person for a peer or an employee not directly within their supervising authority.

21.25 Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment or deter sexual harassment.

21.26 Witness: An individual requested to participate in an investigation or a hearing because the individual may have information about the alleged misconduct.

22. CIVIL RIGHTS PROCESS IN CONJUNCTION WITH A POLICE INVESTIGATION

All student or employee conduct processes are separate from law enforcement investigations. A civil rights investigation and a police investigation may occur at the same time. The TCC Police Department or local police department is the contact for a police investigation. The Compliance Officer is the contact for a discrimination and harassment investigation.

When concurrent criminal charges or civil action are pending, the College may adjudicate complaints without regard to civil action or criminal prosecution. College action(s) or processes are not typically altered or precluded because civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced. College processes may proceed before, during, or after court proceedings.

If circumstances require, the College may delay an investigation (several days to a few weeks). Such circumstances include but are not limited to a request from law enforcement to temporarily delay an investigation, the need for language assistance, the absence of parties or witnesses, accommodations for disabilities or health conditions.

The College will communicate in writing the anticipated duration of the delay and the reason to the parties and provide the parties with status updates if necessary. The College will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the College will implement supportive measures as deemed appropriate.

The College encourages individuals to report sexual violence and other criminal offenses to the police, although students and employees are not required to report the matter to the police. Reporting to the police does not commit an individual to prosecute but will allow the gathering of information and evidence. The information and evidence are maintained for future options regarding criminal prosecution, College conduct actions, or civil actions against the perpetrator.

On-campus incidents can be reported to TCC Police at 918-595-8888 or any TCC Police location on the four main campuses. If the incident occurred elsewhere in Tulsa, it could be reported to the Tulsa Police Department at 918-596-9328. All other incidents should be reported to local law enforcement with jurisdiction in the location where they occurred.

23. RIGHTS AND RESPONSIBILITIES OF THE PARTIES AND WITNESSES

23.1 Responsibilities of the Parties and Witnesses

- To be truthful, to cooperate with the process, and to follow the directions of the College staff administering this process;
- To not retaliate against or intimidate any individual who has reported a civil rights concern or who has participated as a witness in the process; and
- To keep confidential all documents and materials received from the College during this process.

23.2 Rights of the Parties and Witnesses

- To be provided an investigation and appropriate resolution of all credible allegations made in good faith;
- To be treated with respect, dignity, and sensitivity throughout the process;
- To be informed by TCC officials of options to notify proper law enforcement authorities and to be assisted in notifying such authorities if the Complainant so chooses. The Complainant does have the right to decline to notify law enforcement. This also includes the right not to be pressured to report and the right to decline to notify law enforcement;
- Not be discouraged by TCC officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;
- Be notified of available counseling and other resources, both on campus and in the community;
- Ability to submit the names of relevant witnesses;
- To not have irrelevant prior sexual history considered;
- To receive regular updates on the status of the investigation or resolution;

- To have a support person of their choosing attend but not participate during all phases of the investigation and resolution meetings;
- Participate in the investigation, including providing relevant information to the Investigator;
- Be promptly informed of the outcome of the resolution process in writing, without undue delay between the notifications to the parties;
- Provided an investigation and appropriate resolution into complaints of retaliation where one has reported a discrimination and harassment concern or participated as a witness in the process; and
- Receive an Outcome Letter.

24. CONSENSUAL RELATIONSHIPS

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor, and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship may be perceived in different ways by each party, particularly in retrospect. Circumstances may change, and previously welcome conduct may become unwelcome. Even when both parties have consented to a romantic or sexual involvement at the outset, this past consent may not remove grounds for a later charge of violating applicable sections of this policy. The College does not wish to interfere with personal choices regarding personal relationships when these relationships do not impede the goals and policies of the College. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party may be unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and this will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities or transition a party out of being supervised or evaluated by someone with whom they have established a consensual relationship. While this policy prohibits no relationships, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

25. DISABILITY ACCOMMODATIONS DURING AN INVESTIGATION

The College is committed to providing qualified students and employees with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of the College.

Employees needing accommodations or support during a discrimination and harassment investigation and resolution process should contact the Human Resources Office to request accommodations. Students needing accommodations or support during a discrimination and harassment investigation and resolution process should contact the Director of Accessibility Resources. For participants requesting interpreters throughout the investigation process, please notify ar@tulsacc.edu. Advance notice is requested.

The Compliance Officer will work with the designated office to ensure the accommodations that have been approved are appropriately applied for full participation.

26. RELIGIOUS ACCOMMODATIONS

The College may adjust the work environment to allow employees or applicants to practice their religion. The need for religious accommodations may arise where an individual's religious beliefs, observances, or practices conflict with a specific task or requirement of the position or an application process. Accommodation requests often relate to work schedules, dress, grooming, or workplace religious expression. The employer must grant the accommodation if it would not pose an undue hardship. Employees requesting religious accommodations should contact the Human Resources Office to request accommodations if needed.

Students requesting religious accommodations should work with their instructors with a written request that specifies the dates, days, and times of the religious observance. The College recommends that students consider their scheduled observances before enrollment; at times, the choice of a different course section or modality could work without conflicting with the observance. If a faculty member denies a student a reasonable religious accommodation, the student should contact the Dean of Students & Accessibility to request a review of the denied accommodation.

27. ACADEMIC FREEDOM AND INTELLECTUAL INQUIRY

In this policy, the definition of discriminatory misconduct, including harassment and retaliation, is meant to neither proscribe nor inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters related to a practical pedagogical purpose. The College promotes intellectual inquiry and debate. The mere expression of views that might be offensive does not by itself create a hostile environment or constitute a per se violation of this policy. The exercise of protected speech does not violate this policy.

28. REVISION OF THIS POLICY AND PROCEDURES

This policy and procedures supersede any previous policies addressing harassment, sexual misconduct, or retaliation and will be reviewed and updated annually by the Compliance Officer. The College reserves the right to make changes to this document as necessary, and once those changes are available online, they are in effect.

During the resolution process, the Compliance Officer may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as accommodating summer schedules. The Compliance Officer Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate, effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedures.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws that generally frame such policies and codes.

29. EXTERNAL REPORTING

If a complaint is not resolved at the College level, an individual may file a complaint with the Office for Civil Rights.

Kansas City Office
Office for Civil Rights,
U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, 3rd floor, Suite 320
Kansas City, MO 64106
Telephone: 816-268-0550
FAX: 816-268-0599; TDD: 800-877-8339
Email: OCR.KansasCity@ed.gov
<http://www.ed.gov/ocr/>

This policy is effective November 18, 2022.