

Sex and Gender Harassment, Discrimination and Misconduct Policy

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1. INTRODUCTION

Tulsa Community College (TCC) takes acts of dating violence, domestic violence, harassment, threats and bullying on the basis of sex, retaliation, sexual harassment, sexual misconduct, and stalking extremely seriously and strongly encourages individuals to report these acts. This policy, consistent with U.S. Department of Education Title IX guidance, provides details on the College's response to such acts, resources, and remedies to individuals. The College hopes that you will help us in our efforts to maintain a safe and productive environment for all members of our community to live, learn, and be successful by uniting as a community committed to ending sexual violence and sexual harassment.

This policy also explains the process for filing a formal complaint with the Title IX Coordinator as well as with TCC Campus Police. Employees and students should be aware that even if an individual chooses not to file a formal complaint, the College will provide resources and take interim measures to ensure the individual feels safe.

Additionally, TCC does not discriminate on the basis of race, color, national origin, sex, qualified disability, religion, sexual orientation, gender identity, veterans' status, genetic information, or age in its programs and activities. Therefore, the College will address all complaints of sexual misconduct, including sexual harassment, the same, regardless of whether the reporting party (person filing the complaint) or the responding party (person the complaint is filed against) is of a ¹protected class or sex. The College will also address reported discrimination on the basis of race, color, national origin, qualified disability, religion, veterans' status, genetic information, or age in the Office of Civil Rights Compliance Administrator.

The College is obligated under Title IX to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects, irrespective of formal legal processes.

2. REPORTING A COMPLAINT

A Title IX complaint can be reported by contacting the Title IX Coordinator, Heather Hancock at (918) 595-7842 or TCCTitleIX@tulsacc.edu.

3. MANDATORY AND CONFIDENTIAL REPORTING

3.1 Confidential Reporting: If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with the following individuals:

Resources for Students or Employees

Lori Aery Gonzalez, MS, LPC
DVIS Outreach Counselor
(918) 743-5763

Ravin Crawford, MBA
Violence Prevention Program Coordinator
(918) 595-7907

Ravin.crawford@tulsacc.edu

¹ Protected Class is defined by groups protected from employment discrimination by law. These groups include men and women on the basis of sex; any group which shares a common race, religion, color, or national origin; people over 40; and people with physical or mental handicaps.

Resources for Students only

Andrea Schroyer, MS, LPC
LPC Wellness Services
(918) 595-7569
Andrea.schroyer@tulsacc.edu

Jessica Heavin, MS, LPC, NCC, CEAP
Director of Wellness Services
(918) 5995-7269
Jessica.heavin@tulsacc.edu

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

3.2 Mandatory Reporters: All College employees have a duty to report all acts of dating violence, domestic violence, harassment, threats and bullying on the basis of sex, retaliation, sexual harassment, sexual misconduct, and stalking, unless they fall under the “Confidential Reporting” section above. Because employees are mandatory reporters, reporting parties may want to consider carefully whether they share personally identifiable details with College employees, as those details must be shared with the Title IX Coordinator. Employees must share all details of the reports, including the name of the reporting and responding party, if known. Failure of a mandatory reporter, as described in this section, to report an incident or incidents of dating violence, domestic violence, harassment, threats and bullying on the basis of sex, retaliation, sexual harassment, sexual misconduct, or stalking, is a violation of College policy and subject to disciplinary action.

As soon as a mandatory reporter has been notified of an incident, they should provide a report to the Title IX Coordinator to ensure interim measures and academic accommodations 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 Title IX Coordinator.

3.3 Request for Confidentiality: If a Reporting Party does not wish for their ² 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 Title IX Coordinator, 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, and/or violence, TCC is not likely able to honor a request for confidentiality. In other cases, where circumstances allow the College to honor a request for confidentiality, the College will offer resources and interim remedies to the reporting party but will not otherwise pursue formal action. A reporting party has the right to have and can expect TCC to take formal reports seriously and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the Reporting Party; therefore, only a small group of officials who need to know will be informed, including Human Resources for employees and Student Affairs for students. The circle of people with this knowledge will be kept as narrow as possible to preserve both parties’ rights and privacy but may include, as necessary, investigators, witnesses, and the responding party.

4. ACCOMODATIONS AND INTERIM MEASURES

² All efforts are made in this policy to avoid gender-based language using their, them, and they for his or her pronouns.

4.1 Accommodations and Interim Measures: When the College has notice of an allegation of Prohibited Conduct, the Title IX Coordinator may impose interim or safety measures, which will generally remain in effect during the Title IX investigation.

The College may take steps to provide interim measures to limit the effects of the alleged harassment. Interim measures may include, but are not limited to:

- a) Class reassignment
- b) Academic accommodations
- c) Interim leave from the college
- d) Limitation of college activities
- e) No Contact Order
- f) Safety escorts
- g) Parking arrangements
- h) Employment reassignment
- i) Administrative leave with or without pay
- j) Training
- k) Other appropriate actions as necessary to stop the Prohibited Conduct, prevent its recurrence, and remedy its effect.

Interim measures may be implemented at any time, even if originally declined.

4.2 Accommodations in the Event of No Investigation: Even if the College decides not to confront the responding party because of the reporting party's request for confidentiality, the College will still offer interim measures to limit the effects of the alleged harassment.

5. PROHIBITED CONDUCT

5.1 Dating Violence: Dating violence includes sexual or physical abuse or the threat of such abuse 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 the length of relationship, type of relationship, and frequency of interaction between the persons involved in the relationship. Dating violence does not include acts that meet the definition of domestic violence.

5.2 Domestic Violence: Domestic violence is a pattern of abusive behavior used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, economic, or psychological actions, or threat of actions that influence another. Domestic violence is a crime of violence committed by a:

- a) Current or former spouse or intimate partner of victim;
- b) Person with whom the victim shares a child in common;
- c) Person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner; or
- d) Person similarly situated to a spouse of the victim.

5.3 Harassment, Threats, and Bullying on the basis of sex: Engaging in subjectively and objectively offensive verbal abuse, threats, intimidation, harassment, coercion, bullying, or other conduct that threatens or endangers the mental or physical health/safety of any person or causes reasonable apprehension of such harm that is persistent, severe, or pervasive and objectively offensive.

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, male-male).

5.4 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.

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 outcomes 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.

5.5 Sexual Harassment: Making unwelcomed sexual advances, request for sexual favors, and other verbal or physical contact or communication of a sexual nature when:

- a) 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;
- b) Submission to or rejection of such conduct or communication by an individual is used as the basis for an employment decision or academic decision affecting such individual; or
- c) Such conduct is sufficiently severe, pervasive, or persistent, and both subjectively and objectively offensive, and has the effect of creating an intimidating, hostile, or offensive environment that negatively affects an individual's academic or employment environment.

5.6 Sexual Misconduct: Engaging in non-consensual contact of sexual nature. Sexual misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors including the following examples:

- a) Unwelcome sexual touching:
 - a. Touching an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering the same);
 - b. touching an unwilling person with one's own intimate parts;
 - c. or forcing an unwilling person to touch another's intimate parts;
- b) Exposure: Engaging in indecent exposure, sexual acts in a public place, voyeurism, or non-consensual person with any object or body part;
- c) Non-consensual sexual assault: Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part;
- d) Forced sexual assault: Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition (such as lack of consciousness,

incapacitation due to ingestion of drugs or alcohol, age or mental disability) of which the responding party was aware or should have been aware.

Effective consent is informed, freely and actively given, and uses mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Silence or passivity is not effective consent. The use of intimidation, coercion, threats, force, or violence negates any consent obtained. Consent is not effective if obtained from an individual who is incapable of giving consent due to lack of consciousness, age, mental disability, or incapacitation due to ingestion of drugs or alcohol. Initiators of sexual activity are responsible for obtaining clear communication of consent.

5.7 Stalking: Stalking refers to one who engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or for 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;
- b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim;
- c) Substantial emotional distress means significant mental suffering or anguish, which may require medical or other professional treatment or counseling;
- d) Following includes the tracking of movement or location of an individual through the use of a Global Positioning System (GPS) or other 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.

5.8 Violation of a No Contact Order: When an individual violates the terms of an active No Contact Order.

6. ASSESSMENT OF A COMPLAINT

Upon notice of a complaint regarding Prohibited Conduct, the Title IX Coordinator will assess whether a formal Title IX investigation will be conducted under this policy—that is, whether the complaint(s), if true, rise to the level of Prohibited Conduct and, if so, whether a formal investigation is appropriate under the circumstances. When the Title IX Coordinator determines that there is no ongoing risk of harm to the community and that interim measures, such as a No Contact Order, have remedied the complaint, the Title IX Coordinator may forego a formal investigation.

If no further action is necessary or if the interim measures will remain in place as ongoing accommodations, the Reporting Party will be provided an Outcome Letter. To the extent appropriate under this policy and if involved in the assessment, the Responding Party will be provided an Outcome Letter.

If the Title IX Coordinator determines there is no further action, then the decision is non-appealable at Tulsa Community College.

The level of control the college has over the Responding Party, will determine if an investigation is possible. If TCC can not take direct action against an individual, the college wouldn't be able to investigate but would provide resources and possible interim measures.

7. INVESTIGATION PROCESS

1. **Assigning an Investigator:** When a determination is made to proceed with a Title IX investigation, the Title IX Coordinator will investigate or will assign an unbiased investigator.
2. **Notice of Investigation:** At the outset of an investigation, the Title IX Coordinator or designee will advise both parties of the allegations in writing.
3. **Opportunity to Participate:** Both the Reporting Party and Responding Party will have an opportunity to respond to the Notice of Investigation in writing and in a meeting with the assigned investigator. Both parties have the right to request that the investigator meet with relevant witnesses and evaluate relevant evidence.
4. **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 a 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.
5. **Title IX Coordinator review:** In the event the investigator is not the Title IX Coordinator, the investigator will provide an Investigative Report to the Title IX Coordinator.
6. **Resolution Process:** Depending on the Prohibited Conduct violation, the Administrative Resolution or Title IX Hearing Resolution process will determine the finding and any outcomes, if appropriate.
7. **Investigation Outcome:** Upon completion of the investigation and Resolution Process, the Title IX Coordinator or designee will issue each party a written Outcome Letter including findings of fact, and if applicable, any actions the College will take to provide accommodations or safety measures for the College community.
8. **Outcome Appeal:** Either party may submit an appeal to review the outcomes, but not the findings, of an outcome of a Title IX investigation.

An individual may have a support person accompany them through the investigative and resolution process. A support person may not speak for the student or employee.

The College strives to avoid any conflict of interest or bias on the part of any individual responsible for investigating and/or resolving alleged misconduct. Any party who wishes to express concerns about a conflict of interest or bias should notify the Title IX Coordinator in writing. In instances where a conflict of interest or perceived bias on the part of the Title IX Coordinator occurs, the notification should be made in writing to the Chief Human Resources Officer.

8. RESOLUTION PROCESS

Each resolution process involving a complaint of the Sex and Gender Harassment, Discrimination, and Misconduct Policy will provide a prompt, fair, and impartial investigation and resolution, organized through the Title IX Office. Depending on the alleged Prohibited Conduct violation, the complaint will be resolved in one of two ways:

8.1 Administrative Resolution: If the Title IX Coordinator determines the complaint alleges a policy violation of the following Prohibited Conduct, then the Administrative Resolution process will be used:

- a) Harassment, Threats, Bullying on the basis of sex (Refer to Prohibited Conduct 5.3)
- b) Retaliation (Refer to Prohibited Conduct 5.4)
- c) Sexual Harassment (Refer to Prohibited Conduct 5.5)
- d) Violation of a No Contact Order (Refer to Prohibited Conduct 5.8)

The Chief Human Resources Officer, in consultation with the Title IX Coordinator, will oversee the Administrative Resolution process when College employees are involved; The Dean of Student Affairs, Student Judicial Affairs and Wellness, in consultation with the Title IX Coordinator, will oversee the process when students are involved. When both a student and employee are involved, the Dean of Student Affairs, Student Judicial Affairs and Wellness, and the Chief Human Resources Officer will work together in consultation with the Title IX Coordinator to determine a finding and outcome.

8.2 Title IX Hearing Resolution Panel: If the Title IX Coordinator determines the complaint alleges a policy violation of the Prohibited Conduct, then the Title IX Hearing Resolution process will be used:

- a) Dating violence (Refer to Prohibited Conduct 5.1)
- b) Domestic violence (Refer to Prohibited Conduct 5.2)
- c) Sexual misconduct (Refer to Prohibited Conduct 5.6)
- d) Stalking (Refer to Prohibited Conduct 5.7)

Decisions of findings in the Title IX Hearing Resolution process will be reached by a panel of three trained Tulsa Community College employees, selected from a group of faculty, staff, and administrators. When an employee is the Responding Party, a minimum of one of the three panelist will be a representative from Human Resources. When a student is the Responding Party, the Dean of Student Affairs, Student Judicial Affairs and Wellness will serve as one of the three panelist.

In cases involving more than one allegation, the College does not require individuals to engage in more than one resolution process. If an allegation includes dating violence, domestic violence, sexual misconduct, or stalking in addition to any prohibited conduct in the Administrative Resolution process, the Title IX Hearing Resolution Panel will be used. Similarly, any time there are, multiple allegations against an individual which includes dating violence, domestic violence, sexual misconduct, or stalking, the Title IX Hearing Resolution Hearing Panel will be used to address all of the allegations. For example, if there is an allegation of stalking and a violation of the College's Guidelines for the Use of Electronic Mail policy, then both allegations would be addressed at the same time through the Title IX Hearing Resolution Panel process. This practice assures that no one is subject to multiple processes and allows the College to maintain the appropriate level of due process for Title IX allegations.

9. ADMINISTRATIVE RESOLUTION PROCEDURES

9.1 If the Responding Party is a student, the process will be:

1. Following an investigation, the Title IX Coordinator will provide the Investigative Report to the Dean of Student Affairs, Student Judicial Affairs and Wellness or designee.
2. A meeting will be scheduled with the Dean of Student Affairs, Student Judicial Affairs and Wellness, Reporting Party, Responding Party and their support persons if they choose. The Title IX Coordinator will be present to answer any questions about the Investigative Report.
3. To protect the privacy of all parties, all meetings will be closed to the public.
4. If the Reporting or Responding parties do not attend, the meeting will occur in their absence.
5. The meeting may be audio recorded. All recordings are the property of the College. Others will not be able to make a recording of any type. Requests to review audio recordings may be made to the Title IX Coordinator.
6. Parties may call upon relevant witnesses. If witnesses attend, they will only be present during a time dedicated to answering specific questions. It is the responsibility of the parties to coordinate the attendance of their witnesses. If parties plan to call witnesses, the list of witnesses will be provided to the Title IX Coordinator three days in advance of the meeting.
7. At the conclusion of the hearing, all parties will be dismissed.
8. The Dean of Student Affairs, Student Judicial Affairs and Wellness and Chief Human Resources Officer will make the decision on findings and any outcomes if applicable.
9. If the Responding Party is found responsible for the prohibited conduct of harassment, threats and bullying on the basis of sex, retaliation, sexual harassment, and/or violation of a No Contact Order then the Dean of Student Affairs, Student Judicial Affairs and Wellness will provide appropriate outcomes: Written Warning, Conduct Probation, Restitution/Reimbursement, Class Removal, No Contact Order, Restriction, Revocation of Admission and/or Degree, Suspension, Expulsion or any other appropriate discretionary outcomes. (A complete list of outcomes with descriptions is located in Section 11)
10. The Dean of Student Affairs, Student Judicial Affairs and Wellness or designee will email the Outcome Letter to the Reporting and Responding Parties as simultaneously as possible using their TCC email address.

9.2 If the Responding Party is an employee, the process will be:

1. The Title IX Coordinator will provide the Investigative Report to the Chief Human Resources Officer.
2. The Chief Human Resources Officer may contact witnesses that were outlined in the Investigative Report if more information is needed.

3. The Chief Human Resources Officer will make the decision on findings and any outcomes if applicable.
4. If the Responding Party is found responsible for the prohibited conduct of harassment, threats and bullying on the basis of sex, retaliation, sexual harassment, and/or violation of a No Contact Order, then the Chief Human Resources Officer will provide appropriate outcomes: Written Warning, Conduct Probation, Restitution/Reimbursement, Demotion, Job Reassignment, No Contact Order, Restriction, Termination, or any other appropriate discretionary outcomes. (A complete list of outcomes with descriptions is located in Section 11)
5. The Title IX Coordinator and HR designee or Supervisor will meet with the Reporting Party to provide the Outcome Letter.
6. The Outcome Letter will be emailed to the Reporting and Responding Parties using their TCC email address.
7. The Title IX Coordinator and HR designee will meet with the Responding Party to provide the Outcome Letter.

9.3 If the Responding Party is both an employee and student, the process will be:

1. Following an investigation, the Title IX Coordinator will provide the Investigative Report to the Dean of Student Affairs, Student Judicial Affairs and Wellness and the Chief Human Resources Officer.
2. A meeting will be scheduled with the Dean of Student Affairs, Student Judicial Affairs and Wellness, and the Chief Human Resources Officer with the Reporting Party, Responding Party and their support persons if they choose. The Title IX Coordinator will be present to answer any questions about the Investigative Report.
3. To protect the privacy of all parties, all meetings will be closed to the public.
4. The Responding Party is required to attend all scheduled meetings.
5. The meeting will be audio recorded. The recordings are the property of the college. Others will not be able to make a recording of any type. Requests to review audio recordings may be made to the Title IX Coordinator.
6. Parties may call upon relevant witnesses. If witnesses attend, they would only be present during a time dedicated to answering specific questions. It is the responsibility of the parties to coordinate the attendance of their witnesses. If parties plan to call witnesses, the list of witnesses needs to be provided to the Title IX Coordinator three days in advance of the meeting.
7. At the conclusion of the hearing, all parties will be dismissed.
8. The Dean of Student Affairs, Student Judicial Affairs and Wellness and Chief Human Resources Officer will make the decision on findings and any outcomes if applicable.

9. If the Responding Party is found responsible for the prohibited conduct of harassment, threats and bullying on the basis of sex, retaliation, sexual harassment, and/or violation of a No Contact Order, then the Dean of Student Affairs, Student Judicial Affairs and Wellness and Chief Human Resources Officer will provide appropriate OUTCOMES: Written Warning, Conduct Probation, Restitution/Reimbursement, Class Removal, No Contact Order, Restriction, Revocation of Admission and/or Degree, Suspension, Expulsion or any other appropriate discretionary outcomes. (A complete list of outcomes with descriptions is located in Section 11)
10. The Title IX Coordinator and HR designee will meet with the Reporting Party to provide the Outcome Letter.
11. The Title IX Coordinator will email the Outcome Letter to the Reporting and Responding Parties as simultaneously as possible using their preferred email address.

10. TITLE IX HEARING RESOLUTION PROCEDURES

1. The Title IX Coordinator will provide the Investigative Report to the Title IX Hearing Resolution Panel.
2. A hearing will be scheduled with the Title IX Hearing Panel, Reporting Party, Responding Party and their support persons, if they choose. The Title IX Coordinator will be present to answer any questions about the Investigative Report.
3. To protect the privacy of all parties, all hearings will be closed to the public.
4. If the Reporting or Responding parties do not attend, the hearing will occur in their absence. Employees that are Responding Parties need to attend all scheduled meetings.
5. The hearing will be audio recorded. The recordings are the property of the College. Others will not be able to make a recording of any type. Requests to review audio recordings may be made to the Title IX Coordinator.
6. Parties may call upon relevant witnesses. If witnesses attend, they will only be present during a time dedicated to answering specific questions. It is the responsibility of the parties to coordinate the attendance of their witnesses. If parties plan to call witnesses, the list of witnesses needs to be provided to the Title IX Coordinator three days in advance of the meeting.
7. At the conclusion of the hearing, all parties will be dismissed except for the Title IX Hearing Resolution Panel to deliberate and reach a decision.
8. If the Responding Party is found responsible for the prohibited conduct of Dating Violence, Domestic Violence, Sexual Misconduct, or Stalking, the Title IX Hearing Panel will provide the appropriate outcome: Written Warning, Conduct Probation, Restitution/Reimbursement, Class Removal, Demotion, Job Reassignment, No Contact Order, Restriction, Revocation of Admission and/or Degree, Suspension, Expulsion, Termination, or any other appropriate discretionary outcomes. (A complete list of outcomes with descriptions is located in Section 11)

9. If the Responding Party is a student, the Dean of Student Affairs, Student Judicial Affairs and Wellness or designee will email the Outcome Letter to the Reporting and Responding Parties as simultaneously as possible using their TCC email address.
10. If either party is an employee, the Title IX Coordinator and HR Designee will meet with them to provide an Outcome Letter and a copy of the letter will be emailed to their preferred email address.
11. If the Responding Party is an employee and student, the Outcome Letter will include findings and outcomes for both roles as an employee and student. Expectations and standards are different for employees and students; therefore, an individual can be found responsible in their role as an employee but not as a student.

The order of presentation at the hearing will be as follows:

- a) An opening statement that includes the alleged violation of prohibited conduct will be provided by the Title IX Coordinator.
- b) The Reporting Party may present an opening statement or choose for their statement to be read by their support person or the Title IX Coordinator.
- c) The Responding Party may present an opening statement or choose for their statement to be read by their support person or the Title IX Coordinator.
- d) The Title IX Coordinator or the Title IX Investigator will present the Investigative Report and answer any related questions from the Title IX Hearing Resolution Panel.
- e) The Title IX Hearing Resolution Panel may ask questions of either party.
- f) All parties shall have reasonable opportunity to question witnesses through a structured and controlled process and to present information and argument deemed relevant.
- g) All parties will direct all questions for witnesses and of each other through the hearing panel chair.
- h) The Reporting Party may make a closing statement or choose for their statement to be read by their support person or the Title IX Coordinator.
- i) The Responding Party may make a closing statement or choose for their statement to be read by their support person or the Title IX Coordinator.
- j) All parties are dismissed for the hearing panel deliberation. The Title IX Hearing Resolution Panel will make a decision within five business days after the hearing, although circumstances may require additional time.

Arguments about the legality of any provision under which an allegation has been brought or the legality of the procedures under which the hearing is proceeding shall be directed to the Tulsa Community College Legal Counsel for consideration.

11. OUTCOMES

Any person found responsible for violating the Sex and Gender Harassment Discrimination and Misconduct Policy may be assigned any of the following outcomes:

11.1 Written Warning: An official written notice of violation of college policies and that more severe action will result should the person be involved in other violations.

11.2 Conduct Probation: A specified period of time 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.

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

11.4 Discretionary Outcomes: 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, and/or counseling.

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

11.6 Demotion: An employee may be demoted to a position previously held or position in a lower grade. Demotions may be within the same department of the College or to another position in another department.

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

11.8 No Contact Order: An absolute prohibition from contact with specified person or persons in any form whatsoever, including contact in person, by phone, electronically, and/or through another person. A No Contact Order may be implemented as an interim measure for Title IX issues. Interim measures can be put in place without a formal complaint, conduct process, or a finding of responsibility. If there were an allegation of violating a No Contact Order, a new investigation would occur.

11.9 Restriction: A limitation on a student's and employee's privileges for a period of time and may include the denial of the use of facilities or access to parts of campus, denial of the right to represent the College, and/or 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). An individual must apply to re-instate the privilege by submitting documentation of their significant proactive efforts to become good citizens of the community and engage in responsible, productive behavior.

11.10 Revocation of Admission and/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.

11.11 Suspension: Exclusion from all classes and other privileges or activities for a specific period of time as set forth in the notice of suspension. If a transcript is requested during the period of suspension, 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 refund of tuition or fees will be subject to the college's normal withdrawal policy.

11.12 Expulsion: Permanent termination of student status without 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 record in the Registrar's Office. If a transcript is requested during the expulsion period, 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 refund of tuition or fees will be subject to the College's normal withdrawal policy.

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

All members of the College community are expected to comply with conduct outcomes within the timeframe specified. Failure to follow through on outcomes by the date specified, whether by refusal, neglect, or any other reason, may result in additional outcomes pursuant to the Code of Conduct for students and Employee Handbook for employees.

For students, a Dean's hold, which is a "hold" on enrollment privileges, can be applied. This hold can prevent adding or dropping classes or enrollment for subsequent terms. Cancellation of enrollment occurs when a previous enrollment hold has been cleared with the condition that the enrollment will be cancelled for failure to meet the conditions of the clearance. If cancelled, the refund of tuition or fees will be subject to the College's normal withdrawal policy. A graduation hold is a hold on a student's participation in graduation exercises and diploma for failure to respond to a request to meet with a Conduct Officer, or for noncompliance with conduct outcomes. The Senior Student Affairs Officer, or designee, may recommend a graduation hold.

Implementation of Outcomes. Conduct actions or grievance decisions shall not be implemented until the time for appeal has expired, until the entire appeal process is completed, or until the individual voluntarily waives the right to appeal in writing. The exceptions to delaying outcomes until the process is complete include:

- a) When interim suspension has been invoked by the Senior Student Affairs Officer or their designee for students;
- b) When administrative leave has been invoked by the Chief Human Resources Officer or their designee for employees.

12. OUTCOME APPEAL PANEL

The Outcome Appeal Panel will review an appeal of either the Administrative or Title IX Hearing Resolution outcomes. The appeal is a review of outcomes, but not of the findings; additionally, it is a review of the original hearing, not a new hearing. It is the responsibility of the person who initiated the appeal to show that one or more of the listed grounds for appeal has merit. A student or employee will not appear before the college Outcome Appeal Panel. The Outcome Appeal Panel consists of three members chosen from a pool of trained faculty, staff, and administrators. Appeals must be submitted to the Title IX Coordinator within seven business days of the Outcome Letter. The opposing party will receive a copy of the appeal and have the right to respond.

Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal. The appeal must cite at least one of the following criteria as the reason for an appeal and provide supporting argument(s) as to why an appeal should be granted on these grounds. Appeals criteria include the following:

1. The resolution was not conducted in conformity with prescribed procedures, and substantial prejudice to the Reporting Party or the Responding Party resulted;
2. New information that could substantially affect the finding and has been discovered since the finding. The information must not have been available at the time of the resolution process. Failure to present information that was available is not grounds for an appeal under this provision;
3. The outcome is not appropriate for the violation. This provision is intended to be utilized when a determined outcome is inherently inconsistent with College procedures. Simple dissatisfaction with an outcome is not grounds for overturning a outcome under this provision.

Prior to the Outcome Appeal Panel review, if there is an opposing party or College investigator involved in the case, they will be given seven business days to provide a written response to the appeal. The Outcome Appeal Panel will review the record of the original resolution process, including documents, the appeal and written response/s to appeal, if applicable, and issue a finding as to the merits of the criteria cited as the reason for appeal.

- a) If the panel finds there is no merit to any of the grounds cited in the appeal, it will issue a finding as such and that decision will be final.
- b) If the panel finds the previous hearing was not conducted as prescribed and substantial prejudice resulted, the matter may be remanded to a new hearing.

13. STUDENT AND EMPLOYEE RESOURCES

The following support resources are available to students and employees who have been affected by any Prohibited Conduct regardless of whether there is an investigation or finding under this process:

- a) Licensed counselors are available for students and employees on a 24/7 basis by calling 1-800-327-2251 or bhsonline.com for online resources. All services are confidential.
- b) College counselors in Student Wellness Services are available to help students free of charge and can be seen during normal business hours.
- c) Confidential Reporters in section 3.1.
- d) Campus Police (918) 595-8888.

14. TIME FRAME OF A TITLE IX INVESTIGATION

Tulsa Community College will take action only with respect to those allegations that have been filed within 180 calendar days of the date of the alleged discrimination. Tulsa Community College may extend this time limit if good cause can be shown. Requests for a review of a Title IX complaint that occurred more than 180 calendar days must submit a request to the Title IX Coordinator in writing.

A Title IX Investigation should normally be completed within 120 business days after the College has notice of an allegation of Prohibited Conduct. The Title IX Coordinator may extend this time frame for good cause, including College breaks. After the investigation is complete, the Resolution Process should normally be completed within 30 business days.

15. TITLE IX PROCESS IN CONJUNCTION WITH A POLICE INVESTIGATION

All student or employee conduct processes are separate from law enforcement investigations; a Title IX and police investigation may occur at the same time. The TCC Campus Police Office or local police department is the contact for a police investigation, and the Title IX Coordinator is the contact for a Title IX investigation.

When concurrent criminal charges are or may be pending, the College may adjudicate complaints without regard to either civil or criminal prosecution. College processes may proceed before, during, or after court proceedings.

The College encourages individuals to report sexual violence and any other criminal offenses to the police, although students and employees are not required to report the matter to police. Reporting to 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, and/or civil actions against the perpetrator.

On campus, incidents can be reported to Tulsa Community College Campus Police at (918) 595-8888 or in person at any of the Campus Police locations. If the incident occurred elsewhere in Tulsa, it can be reported to the Tulsa Police Department at (918) 596-9328. If the incident happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred.

16. RIGHTS AND RESPONSIBILITIES OF THE PARTIES AND WITNESSES

16.1 Responsibilities of the Parties and Witnesses

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

16.2 Rights of the Parties and Witnesses

1. An investigation and appropriate resolution of all credible allegations made in good faith;
2. Treated with respect, dignity, and sensitivity throughout the process;
3. Informed by TCC officials of options to notify proper law enforcement authorities and the option to be assisted in notifying such authorities, if the reporting party so chooses. This also includes the right not to be pressured to report;
4. Not be discouraged by TCC officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;

5. Be notified of available counseling and other resources, both on campus and in the community;
6. Ability to submit the names of relevant witnesses;
7. To not have irrelevant prior sexual history admitted as evidence;
8. Regular updates on the status of the investigation and/or resolution;
9. Request that any TCC representative involved in the process be removed on the basis of demonstrated bias and/or conflict of interest;
10. Have a support person of their choosing, to attend but not participate, during all phases of the investigation and resolution meetings;
11. Participate in the investigation, including providing relevant information to the investigator;
12. Be promptly informed of the outcome and outcome of the resolution process in writing, without undue delay between the notifications to the parties;
13. Be protected from retaliation and intimidation where one has reported a Title IX concern or participates as a witness in the process;
14. Receive an Outcome Letter.

17. DEFINITIONS

17.1 Business Day: Monday through Friday, 8:00 a.m. to 5:00 p.m., except federal or state holidays and any other days Tulsa Community College deems necessary to close.

17.2 College or Institution: Tulsa Community College

17.3 College Community Member: Includes any person who is a student, faculty member, College official or any other person employed by the College.

17.4 College Official: Includes any person employed by the College, performing assigned administrative or professional responsibilities, including all TCC affiliated boards.

17.5 College Premises: Any buildings or grounds owned, leased, or controlled by the College.

17.6 College-sponsored activity: Any activity on College premises or at an off-campus location that is directly initiated or supervised by the College or a College recognized group or organization. This includes student organizations, study abroad programs, and events. In addition, College-operated or leased transit is included in this activity even if the behavior occurs off College premises.

17.7 Dean's Hold: A Dean's hold restricts enrollment and transcript release.

17.8 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. The use of intimidation, coercion, threats, force, or violence negates any consent obtained. Consent is not effective if obtained from an individual who is incapable of giving consent due to lack of consciousness, age, mental disability or incapacitation due to ingestion of drugs or alcohol

17.9 Employee Handbook: All policies defined in the TCC Employee or Faculty Handbook.

17.10 Evidentiary Standard: In order for a student or employee to be found responsible, the information must support a determination that is more likely than not that a violation of the Sex and Gender Harassment, Discrimination and Misconduct Policy occurred. Hearsay evidence may be considered but will be weighed accordingly.

17.11 Faculty Member: Any full time or part time individual hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of the faculty.

17.12 Family Educational Rights and Privacy Act (FERPA): A federal law originally passed in 1974 that defines student educational records and regulates who may access those records and under what circumstances. The purpose of FERPA is to protect the privacy of student education records.

17.13 Hearing Procedures: The hearing is not a legal proceeding. Formal rules of process, procedure, and evidence do not apply. Necessary levels of due process and fairness will be provided to all participants during these proceedings.

17.14 Investigative Report: The report of investigation prepared by an investigator after a formal complaint is filed, processed, and investigated.

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

17.16 Notice: When a College employee has information about a concern regarding Prohibited Conduct.

17.17 Notice of Investigation: A written statement provided to the Responding Party advising that an investigation will take place under this policy. It will include a general statement of the complaint.

17.18 Outcome Letter: Letter provided to both parties at the end of the investigation. In general, it will include finding (s), and if applicable, any action the college will take.

17.19 Prohibited Conduct: Conduct that potentially jeopardizes individuals' or community's safety or educational opportunities. Prohibited conduct can occur on or off campus.

17.20 Reporter: An individual who reports a complaint; the College may serve as a reporter. Also referred to as a mandatory reporter.

17.21 Reporting Party: Any student, employee, or vendor that is making an allegation against another person of Prohibited Conduct or is being negatively impacted by someone violating the Prohibited Conduct.

17.22 Responding Party: Any student, employee, or vendor that is alleged to have violated the Prohibited Conduct.

17.23 Outcome: A disciplinary action imposed for students or employees who are found responsible for violating the Sex and Gender Harassment, Discrimination, and Misconduct Policy. Outcomes are designed to include educational measures that hold students and employees accountable for their behavior, providing the opportunity for behavior change. Outcomes can range from a written warning to expulsion and termination. For a complete list, see section 10.

17.24 Student: For the purpose of the Sex and Gender Harassment, Discrimination and Misconduct Policy the definition of student is a person who:

17.24.1 Has applied or has the intent to apply to the College,

17.24.2 Registered for classes, or otherwise entered into any other contractual relationship with the College.

17.24.3 The active or inactive status of the student will determine the procedures and outcome for a Student Code of Conduct complaint. A student who withdraws from a course or from the College, or completes their courses after the date of an alleged violation is still considered a student.

17.24.4 Student Status:

17.24.4.1 Active Status: Any person enrolled in or taking courses at or through the College, either full-time or part-time, credit or noncredit, including correspondence study, concurrent courses, dual enrollment, online courses, study abroad, and auditing courses. Active student status lasts until an individual graduates, is dismissed, or is not in attendance for three (3) consecutive semesters (i.e. fall-spring-fall semesters.)

17.24.4.2 An inactive student is any person possessing a TCC ID number but not meeting the entire criteria of an active student.

17.24.5 Allegations of sexual misconduct may be filed at any time, whether or not the student is currently enrolled or registered.

17.25 Student Code of Conduct: All policies delineated in the TCC Student Policies & Resources Handbook.

17.26 Support Person: A person who has agreed to provide support to a reporting or responding party 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 an attorney. The College does not provide a support person for either parties. Any compensation for a support person is the responsibility of the student or employee.

17.27 Title IX: A comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity.

17.28 Title IX Coordinator: The designated employee to coordinate efforts to comply with and carry out the College's responsibilities under Title IX of the Education Amendments of 1972, which prohibits sex discrimination in education programs and activities.

17.29 Title IX Hearing Panel: A trained group of individuals who are responsible for determining if a Responding Party is more likely than not to have violated the Sex and Gender, Discrimination and Misconduct Policy: Specifically prohibited conduct of Dating Violence, Domestic Violence, Sexual Misconduct, or Stalking.

18. OFFICE FOR CIVIL RIGHTS

If the concern is not resolved at the College level, then a student may choose to file a complaint with the Office for Civil Rights.

**Office for Civil Rights, Kansas City Office
U.S. Department of Education
8930 Ward Parkway, Suite 2037
Kansas City, MO 64114-3302
Phone (816) 268-0550
TTY (877) 521-2172
Web Address: <http://www.ed.gov/ocr/>**