



College Affairs Committee

Friday, December 13, 2024

10:00 – 11:30 a.m.

Virtual Zoom Meeting

Click the following link to attend via Zoom:

<https://cocc.zoom.us/j/96383214641>

Dial up: 253-215-8782 | Meeting ID: 963 8321 4641

1. Old Business

- a. Review Minutes from November 8, 2024 Meeting – Tim Peterson
- b. Proposed Change to the College Affairs Committee Policy: G-6-2, 2nd Reading – Tim Peterson

2. New Business

- a. Proposed Updates to Title IX Polices: G-28-0, G-28-0.1, G-28-0.2, G-28-2, G-28-2.1, N-1-1, N-1-1, N-1-3, N-2-0, N-2-1, N-2-3, N-2-8, N-2-10, N-2-11, N-3-10; 1st and 2nd Reading – Alicia Moore, Andrew Davis and Jeremy Abbey

Next Meeting: Friday, January 10, 2024, 10:00 – 11:30 a.m. via Zoom



Date: November 8, 2024
Time: 10:00 – 11:30 a.m.
Location: Zoom meeting

Attending	Absent	Guests
Tim Peterson, Chair	Breana Sylwester	Kathy Smith
Tracy Crockett		Jacquelyn Coe
Allison Dickerson		
Krissa Harris		
Marilyn Waller-Niewold		
Thomas Wrisley		
Sara Henson		
Christina Grijalva		
Laurie Chesley, COCC President		
Kyle Matthews, Recorder		

Meeting called to order at 10:03 a.m.

1. Old Business

a. Review Minutes from October 18, 2024 Meeting – Tim Peterson

- Dickerson noted that she was absent during that meeting. Peterson concurred and requested the minutes be corrected accordingly.
- Motion to approve the meeting minutes with the requested correction.

Motion made by Allison Dickerson. Seconded by Tracy Crockett.

Motion approved by all voting members present.

d. Inclusive Access Course Fees for Winter 2025 Term, 2nd Reading – Frank Payne

- Peterson asked if anyone knew what technologies are required to access inclusive access course materials.
 - Grijalva explained that students taking online classes need a laptop or central processing unit. They can also use a tablet or smartphone if they download the mobile app for Canvas, as well as any mobile apps required to access a publisher’s content.
 - Peterson asked if using any of these mobile apps require paying extra fees.
 - Grijalva said any mobile app fees would be included with any course fees, so students do not need to pay to use these apps. Faculty members put the registration for textbooks and publisher’s materials in the Canvas course for students to access these materials.
 - Peterson asked whether this practice could replace textbooks for a course.
 - Grijalva said that could be the case for some classes, in which the student would pay an inclusive access course fee instead of purchasing a textbook. The course fee includes access to the textbook. Any student taking an online or hybrid class must have access to the required technologies, so COCC’s computer labs and technology lending program allow access for students who might not be able to afford them.
- Motion to approve the second reading of the proposed inclusive access course fees for the Winter 2025 term.



Motion made by Marilyn Waller-Niewold, seconded by Thomas Wisley.

Motion approved by all voting members present.

2. New Business

a. Proposed Change to the College Affairs Committee (CAC) Policy: G-6-2, 1st Reading – Tim Peterson

- Peterson explained that the proposed change to the CAC policy was to reflect the COCC Board of Directors' decision to no longer have a representative serve as a non-voting member of the CAC. He read aloud an excerpt of an email that Chesley had sent to the CAC before their first meeting of the academic year, which explained that serving on the CAC was not consistent with the Board's policy of governance. The email also noted that there are other ways for COCC personnel to interact with Board members.
- Peterson asked how there might be confusion in the roles of the Board and the President if a member of the Board served on the CAC.
 - Chesley explained that the Board operates on a policy governance model. They give direction to the President and no other COCC employees. It is the President's role to give the College direction by participating in shared governance, and it is the role of the College's employees to give specific operational direction. A Board member and a President sitting on the same committee has potential for disagreement, even if neither of them can vote, and that can make it unclear who has authority. Another concern is that one Board member cannot give the President specific direction. Only the full Board can do that. One detail that Chesley did not include in her email is that the Board likes to know what is happening at COCC, but during her time as President, the issues discussed in CAC meetings have been primarily operational, rather than high level discussions that would normally be brought before the Board. At the request of members of the CAC and the Shared Governance Committee (SGC), Chesley has made efforts to elevate the role of the CAC, but it has primarily been operational. The Board was of the opinion that this was not the best use of their time as they try to keep their focus at a high strategic level.
- Smith said the SGC had discussed the matter. She noted that the CAC had not always been a purely operational committee. It was more involved with higher-level issues in the past, discussing issues that involved the whole College, as well as community members. Examples included establishing a smoking policy, deciding whether campus safety specialists should wear body cameras, and deciding whether to install security cameras in COCC's buildings. Since the COVID-19 pandemic, Smith has seen less interaction between COCCs' employees and upper management. In reference to the responsibilities of the Board listed in Chesley's email, the SGC discussed the Board's role in hiring, evaluating and (if necessary) terminating the President. A Board member attending CAC meetings could be an opportunity for them to observe how the President interacts with COCC employees, and therefor inform the Board's evaluation of the President. Smith suggested that faculty and staff are often too intimidated to speak during open comment sections of Board meetings, but they usually feel freer to speak at CAC meetings. There was also concern about the timing of this decision from the Board as the College is currently searching for a new President.
 - Coe added emphasis to the benefits of a Board member regularly observing and learning what is happening at COCC. She acknowledged that the roll of the CAC has



changed in recent years, and it may not be the best use of Board a member's time, suggesting that the Board member's role on the CAC could be reevaluated.

- Smith added that, if the CAC's agenda only included course fees or other matters that the Board might not be interested in, a Board member might not be expected to participate. But they could attend other meetings where COCC faculty and staff could feel safe to share their opinions.
- Henson understood the Board's decision as it was explained in Chesley's email. She echoed the concerns brought forth by Smith and Coe. She also noted that the CAC has been the only regular place where COCC personnel could regularly interact with a Board member—outside of making a presentation at a Board meeting—and share their ideas. Are there other ways that Board members could regularly interact with COCC personnel? Henson acknowledged that each member of the Board has a busy schedule and serves the College as publicly elected volunteers.
- Chesley concurred that there could be more regular opportunities for Board members to interact with COCC personnel and suggested that the Board would be interested in discussing this further. She did not think the CAC would be the best forum for that. There are other opportunities for the Board to observe how the President interacts with College personnel. Chesley also noted that the President's evaluation process includes several phone calls from Board members to senior staff, union heads and other individuals that the President regularly works with regarding the President's evaluation. These conversations are confidential and the Board compiles everyone's comments into common themes they have observed for the evaluation. Chesley acknowledged that some people would be intimidated to speak openly with the Board, but there are others who are not. She has observed this on several occasions at every institution she has worked for. There are college students, faculty and staff members who will exercise their rights to express their concerns about what is happening at their institutions. One solution could be to invite Board members to more events throughout the year, but it is ultimately up to each Board member whether they decide to attend. In regards to the presidential search campaign, Chesley suggested that having a Board member regularly participate in CAC meetings could prove problematic for a new President. She also noted that she regularly updates the Board about what is happening at COCC, and it is not in her or any President's interest to not maintain transparency with the Board. Chesley has always disclosed any controversies happening at the College with the Board, including decisions she has made. For example, she shared with them the high-level results of the Great Colleges to Work For survey that had been completed by COCC's faculty and staff, including negative feedback. (Detailed findings of this survey will be shared with the Board and the rest of the College in December.)
- Peterson asked if anyone could speak to the historical precedent of a Board member serving on the CAC as a non-voting member. Did the Board have different responsibilities when that decision was made?
 - Chesley suggested that it was related to the prevailing model of policy governance at community colleges. There are other models of college boards where boards are more involved in college committees.



- Chesley offered to ask for the Board Chair to meet with the CAC to further explain this decision. It would ultimately be up to the Chair whether this meeting would take place, but she reiterated her suggestion that the Board would be open to discussing other opportunities for Board members to interact with COCC personnel. She noted that the Board’s decision to no longer participate with the CAC was unanimous.
- Peterson reminded the CAC that this proposal had been brought forward in order to give everyone a chance to publicly comment on the Board’s decision.
- Motion to approve the first reading of the proposed change to G-6-2.
Motion made by Tracey Crockett, seconded by Krissa Harris.
 Motion approved by all voting members present.

Motion to adjourn the meeting.

Motion made by Allison Dickerson, seconded by Tracy Crockett.

Meeting adjourned at 10:43 a.m.

NEXT MEETING: Friday, December 13, 2024 at 10:00 a.m. via Zoom

DRAFT



Presentation/Proposal Form

Proposal to Change Membership in the College Affairs Committee

Name: Tim Peterson (on behalf of President Chesley and the Board of Directors) **Date:** 11/05/2024

Department: Office of the President

Contact Information: tmpeterson@cocc.edu

- ❖ Complete Items 1–9 to the best of your ability (see [Instructions](#) form for reference).
- ❖ If an item is not relevant to your specific presentation/proposal, please mark it *N/A*.
- ❖ E-mail the completed Presentation/Proposal Form to the College Affairs chair and committee support specialist no later than 5 pm the Friday prior to the scheduled College Affairs meeting.

1. PRESENTATION/PROPOSAL ABSTRACT (no more than 250 words)

Changing the membership of the College Affairs Committee to no longer include a Board member. Consideration was given to the Board's role and they decided that serving on the Committee did not necessarily align with those roles.

See Dr. Chesley's more detailed description attached.

Policy G-6-2

<https://www.cocc.edu/policies/general-policy-manual/general/committee-structure/college-affairs-committee-cac.aspx>

2. TYPE OF PRESENTATION/PROPOSAL

- Information Item and/or Committee Feedback (requires approval of CA Chair)
- Action Item:
 - Procedure/Policy — *typographical correction and/or federal/state mandate update* (Attach current procedure/policy with proposed changes highlighted using track changes.)
 - Procedure/Policy — *revision* (Attach current procedure/policy with proposed changes highlighted using track changes.)
 - Procedure/Policy — *new* (Attach proposed procedure/policy separately.)
 - Identify suggested location in manual:
 - Course Fee — If applicable, identify a suggested cap for the course fee (for example, a percentage or "increase to not exceed \$X"):
 - Other:

3. BUDGET IMPACT

none

4. IMPACTED DEPARTMENTS AND/OR PROGRAMS

List impacted departments/programs, describe the impact, and identify steps taken to communicate the impact(s)

none specifically

5. INSTRUCTIONAL REQUIREMENTS/IMPACTS

none

6. OPERATIONAL IMPACT

Nothing Direct

7. STUDENT IMPACT

8. ANTICIPATED IMPLEMENTATION TIMELINE

immediate

9. MOTION TO BE RECOMMENDED

From Dr. Chesley

As part of its policy review process, the Board did decide that having a member sit on College Affairs, even ex officio, was not consistent with its practice of policy governance. In that model, Board members do not sit on college committees. In that model, Board members' work is primarily focused on the following:

- Setting and ensuring strategic priorities are met (approving and ensuring the implementation of the Strategic Plan)
- Fiduciary oversight of the College budget (ensuring the long-term fiscal health of the institution)
- Hiring, evaluating, and, if needed, firing the President (who is the Board's only employee and oversees the operations of the College)

Having a Board member sit on a College committee confuses the roles of the Board and the President.

The Board also felt that having a Board member sit on a College committee creates the potential for one Board member to be speaking for the entire Board when direction to the President should be given after Board deliberation and a majority vote.

There are many potential ways that Boards and members of the College community can interact, and I know that our Board appreciates those opportunities. Having Board members serve on College committees is just not the best way to do that.



Presentation/Proposal Form

Name:

Date:

Department:

Contact Information:

- ❖ Complete Items 1–9 to the best of your ability (see [Instructions](#) form for reference).
- ❖ If an item is not relevant to your specific presentation/proposal, please mark it *N/A*.
- ❖ E-mail the completed Presentation/Proposal Form to the College Affairs chair and committee support specialist no later than 5 pm the Friday prior to the scheduled College Affairs meeting.

1. PRESENTATION/PROPOSAL ABSTRACT (no more than 250 words)

2. TYPE OF PRESENTATION/PROPOSAL

Information Item and/or Committee Feedback (requires approval of CA Chair)

Action Item:

Procedure/Policy — *typographical correction and/or federal/state mandate update* (Attach current procedure/policy with proposed changes highlighted using track changes.)

Procedure/Policy — *revision* (Attach current procedure/policy with proposed changes highlighted using track changes.)

Procedure/Policy — *new* (Attach proposed procedure/policy separately.)

Identify suggested location in manual:

Course Fee — If applicable, identify a suggested cap for the course fee (for example, a percentage or "increase to not exceed \$X"):

Other:

3. BUDGET IMPACT

4. IMPACTED DEPARTMENTS AND/OR PROGRAMS

List impacted departments/programs, describe the impact, and identify steps taken to communicate the impact(s)

5. INSTRUCTIONAL REQUIREMENTS/IMPACTS

6. OPERATIONAL IMPACT

7. STUDENT IMPACT

8. ANTICIPATED IMPLEMENTATION TIMELINE

9. MOTION TO BE RECOMMENDED

TITLE IX POLICIES

G-28-0 TITLE IX AND SEXUAL HARASSMENT INTRODUCTION

Central Oregon Community College's goal is to provide an atmosphere of mutual support and respect and foster an awareness, acceptance and encouragement of different cultures, values and viewpoints. To ensure compliance with federal and state regulations, and to affirm its commitment to promoting diversity and inclusion for students, employees and guests, COCC developed policies and procedures that provide a prompt, fair and equitable process for addressing allegations of discrimination or harassment on the basis of a protected class status (see G-28-0.2 for those identified as a protected class).

The goal of the following policies is to extend equal opportunity for employment, admission, and participation in the College's programs, services, and activities to all persons.

- [Nondiscrimination](#)
- [Equal Opportunity/Affirmative Action](#)
- [Title IX \(federal policies regarding sexual harassment, sexual assault, domestic violence, dating violence, and stalking\)](#)
- [Title IX: Pregnancy and Pregnancy Related Conditions](#)
- [COCC sexual harassment, sexual assault, domestic violence, dating violence, and stalking](#)

Any person who believes they have been discriminated against, harassed, or retaliated against by a College employee, representative, student, or community member based on being a member of a protected class is encouraged to address those concerns by reporting it via the College's [incident report](#) system or talking with any of the individuals listed [below in the next section](#). These individuals have primary responsibility for coordinating COCC's efforts related to investigation, resolution, and implementation of corrective actions.

G-28-0.1 REPORTING CONTACT INFORMATION

Anyone who believes they were discriminated, harassed or retaliated against due to their protected class status, as well as anyone who witnesses such actions, ~~are~~ **is** encouraged to complete an incident report using the College's incident reporting system, [talking with any of the individual's listed below or reporting it to a College employee, noting that the employee will share the information with the College's Title IX Coordinator](#). They are also welcome to contact any of the individuals below for support or guidance on any aspect of this policy and associated processes.

Area of Concern

Discrimination or harassment on the basis of gender, [including](#) gender identity, [gender stereotypes](#), [gender characteristics](#), [sexual](#)

Contact

Alicia Moore
Vice President of Student Affairs
(VPSA)/Title IX Coordinator

[orientation, pregnancy or related conditions \(childbirth, false pregnancy, termination of pregnancy, lactation or recovery from these conditions\)](#); includes but is not limited to [hostile environment](#) sexual harassment, [quid pro quo sexual harassment](#), sexual assault, domestic violence, dating violence, and stalking.

2600 NW College Way
Coats Campus Center, Room 213
Bend, OR 97703
amoore@cocc.edu or 541-383-7244

[Jeremy Abbey](#)
[Care & Conduct Coordinator](#)
[2600 NW College Way](#)
[Wickiup Residence Hall 2203](#)
jabbey@cocc.edu or 541-383-7525

Discrimination or harassment on the basis of age, disability, marital status, national origin, ethnicity, color, race, religion, genetic information, citizenship status, veteran status or any other classes protected by State and federal statute.

Laura Boehme (if employee or College representative involved)
Chief Human Resources Officer
2600 NW College Way
Newberry Hall, Room 109
Bend, OR 97703
lboehme@cocc.edu or 541.383.7219

Andrew Davis (if only students involved)
[Director of Student and Campus Life](#)
[Dean of Student Engagement](#)
2600 NW College Way
Coats Campus Center, Room 211
Bend, OR 97703
apdavis@cocc.edu or 541.383.7591

In addition to the above, individuals are welcome to contact Campus Safety to file a report: 2600 NW College Way, Boyle Education Center, Room 161, Bend, OR 97703, publicsafety@cocc.edu, or 541.383.7272.

External inquiries may be made ~~externally~~ to:

Oregon Resources

[Office of Community Colleges and Workforce Development](#)
255 Capitol Street NE
Salem, OR 97310
ccwd.info@state.or.us or 503.947.2401

[Bureau of Labor and Industries \(BOLI\) Civil Rights Division](#)
800 NE Oregon St.
Suite 1045
Portland, OR 97232
crdemail@boli.state.or.us or 971.673.0764

Federal Resources

[Office for Civil Rights \(OCR\)](#)
[U.S. Department of Education](#)

[Equal Employment Opportunity Commission \(EEOC\)](#)

400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline: (800) 421-3481
TDD: (877) 521-2172
OCR@ed.gov
[Complaint form:](#)

Federal Office Building
909 First Avenue
Suite 400
Seattle, WA 98104-1061
(800) 669-4000
TTY: (800) 669-6820
ASL Video Phone: (844) 234-5122

G-28-0.2 DEFINITION OF TERMS

The following definitions are used in sections G-28, N-1, N-2, and N-3.

- **Advisor of Choice:** A person chosen by either the reporting or responding parties or by COCC to accompany the parties related to the report (e.g., investigation, hearing, etc.). The role of the advisor is to advise individuals on the Title IX and COCC process and for Title IX, conduct cross-examination in Title IX hearings without disrupting proceedings.
- **Complainant:** A student or employee who is alleged to have been subjected to conduct that could constitute gender discrimination under Title IX. The term “complainant” applies to Title IX incidents only and is in compliance with federal law.
- **Complaint (Title IX –Formal):** means aAn oral or written report to the College alleging that a respondent engaged in conduct that violates a Title-IXgender discrimination policy.
- **Dating Violence:** Violence and abuse committed by a person to exert power and control over a current or former dating partner. Dating violence often involves a pattern of escalating violence and abuse over a period of time. Dating violence covers a variety of actions, and can include physical abuse and psychological or emotional abuse, and sexual abuse. It can also include “digital abuse”, the use of technology, such as smartphones, the internet, or social media, to intimate, harass, threaten, or isolate a victim. For a full definition of dating violence, see the Violence Against Women Act.
- **Domestic Violence:** A pattern of abusive behavior in a relationship that is used by one partner to maintain power and control over another current or former intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, hurts, injures, or wounds someone. For a full definition of domestic violence, see the Violence Against Women Act.
- **Education Program or Activity:** Locations, event or circumstances where COCC exercises substantial control over both the respondent and the context in which the ~~sexual harassment or gender~~ discrimination occurs; this also includes any building owned or controlled by a student organization that is officially recognized by COCC. Note that this definition applies to Title IX only and that Oregon law! may include incidents that take place between COCC-affiliated parties at an off-campus location not controlled by the institution if that behavior inhibits a person’s ability to access or participation in an educational program or activity.

- **Finding:** A conclusion by the preponderance of evidence standard that the alleged conduct occurred and whether violated ~~gender discrimination~~ Title IX policy.
- **Formal Procedure:** Process to formally investigate conduct prohibited by a Title IX or COCC sexual harassment policy; see N-2-11 and N-3-10 for process details.
- **Hearings Officer/Decision-Makers:** Personnel who have decision-making and sanction or remedy authority within COCC's Title IX and internal sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim formal processes.
- **Hostile environment harassment:** Unwelcome conduct that is objectively offensive and so severe or pervasive that it limits or denies a person's ability to participate in or benefit from an education program or activity. A hostile environment is evaluated on the degree to which the conduct affected the complainant's ability to access an education program or activity; the type, frequency, or duration of the conduct; the parties' ages, roles within the education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; and/or the location of the conduct and the context in which the conduct occurred.
- **Investigator:** Personnel charged by COCC with gathering facts about an alleged violation of ~~Title IX or COCC's gender discrimination policy sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim policies~~, assessing relevance of information presented, synthesizing evidence, and compiling information into an investigation report.
- **Notice:** Notice occurs when an employee, student, or third party informs the Title IX Coordinator or other ~~Official with Authority~~ College employee that conduct potentially violated ~~ing Title IX or COCC sexual harassment, sexual assault, domestic violence, dating violence, or stalking~~ COCC's gender discrimination victim occurred or is alleged to have occurred ~~policies~~.
- **Official with Authority (OWA):** ~~A COCC employee with responsibility for managing COCC's Title IX or internal sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim policies and procedures, as well as those individuals with assigned to be hearings officers/decision makers. COCC OWA are the Vice President of Student Affairs/Title IX Coordinator, Chief Human Resources Officer, and the Director of Student and Campus Life.~~
- **Pregnancy or Related Conditions:** Pregnancy, childbirth, false pregnancy, termination of pregnancy, or lactation; includes any related medical conditions and/or recovery from these conditions
- **Protected Class:** Includes age, disability, sex, marital status, national origin, ethnicity, color, race, religion, sexual orientation, gender identity, genetic information, citizenship status, veteran or military status, pregnancy or any other classes protected under federal and state statutes in any education program, activities or employment.
- **Quid pro quo harassment:** A type of sexual harassment when a person in a position of authority conditions a benefit, service, education or related activity on a student or employee participating in an unwelcome sexual conduct.

- **Reasonable Person:** Viewing the circumstances from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may have occurred.
- **Remedy:** Actions taken by COCC after a decision to address the safety of the Complainant/Reporting Party and/or community to prevent future conduct that violates either Title IX or the College's sexual harassment policy and to restore access to education programs or activities or the workplace.
- **Reporting Party:** A person(s) who is the recipient of gender-based discrimination as defined under Title IX and COCC policy.
- **Responding Party:** A person alleged to have engaged in conduct that violates Title IX or COCC ~~internal gender-based discrimination, sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim~~ policies.
- **Responsible Employees:** All COCC employees, with the exception of mental health counselors. Responsible employees must report incidents of sexual harassment to the College's Title IX ~~Officer~~ Coordinator should they be made aware of or have reasonably known about a sexual harassment incident.
- **Sanction:** A consequence imposed by COCC on a respondent who is found responsible for violating a Title IX or COCC sexual harassment policy.
- **Sexual Assault:** Any type of sexual contact or behavior that occurs without consent of the recipient. Sexual assault includes sexual activity such as forced sexual intercourse, sodomy, molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity. For a full definition of sexual assault, see the Violence Against Women Act.
- **Sexual Harassment:** Under Title IX, sexual harassment is defined as gender-based unwelcome conduct ~~of a sexual nature~~ that is considered so severe, and pervasive and or objectively offensive that it effectively denies a person(s) equal access to an education program or activity, as defined under the reasonable person standard. Under state of Oregon law, sexual harassment is defined as severe, pervasive, or objectively offensive. ~~In either case, it includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature and may come in the form of a hostile or intimidating environment or quid pro quo.~~
- **Stalking:** Pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear. ~~Stalking is dangerous and can often cause severe and long-lasting emotional and psychological harm to victims. Stalking often escalates over time and can lead to domestic violence, sexual assault, and even homicide.~~ Stalking can include frightening communications, direct or indirect threats, and harassing a victim through the ~~internet~~ electronic communications or a third party. For a full definition of stalking, see the Violence Against Women Act.
- **Title IX Coordinator:** An official or officials designated by COCC to ensure compliance with Title IX and COCC's Title IX program.
- **Title IX Deputy Coordinator:** An official(s) designed by COCC to support Title IX work, including process counseling and training.

G-28-1 NONDISCRIMINATION AND EQUAL EMPLOYMENT/AFFIRMATIVE ACTION STATEMENT

The goal of Central Oregon Community College is to provide an atmosphere that encourages our faculty, staff and students to realize their full potential. In support of this goal, it is the policy of Central Oregon Community College that there will be no discrimination or harassment on the basis of age, disability, sex, marital status, national origin, ethnicity, color, race, religion, sexual orientation, gender identity, genetic information, citizenship status, veteran or military status, pregnancy or any other classes protected under federal and state statutes in any education program, activities or employment. Persons with questions about this statement should contact Human Resources at 541.383.7216 or the Vice President for Student Affairs at 541.383.7211.

This policy covers nondiscrimination in both employment and access to educational opportunities. When brought to the attention of the appropriate parties, any such actions will be promptly and equitably responded to according to the process outlined in general procedures sections N-1, N-2, or N-3.

G-28-2 TITLE IX: ~~SEXUAL~~**GENDER-BASED DISCRIMINATION, INCLUDING SEXUAL HARASSMENT, SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING**

Title IX refers to the federal law prohibiting ~~gender discrimination on the basis of gender stereotypes, characteristics, pregnancy or related conditions, sexual orientation, and gender identity~~**sexual-sex-based harassment, sexual assault, domestic violence, dating violence and stalking** on college campuses. ~~It includes sexual harassment, sexual assault, dating violence, domestic violence and stalking.~~ The policies listed in this section apply only to qualifying Title IX ~~allegations-regulations~~ specifically prohibited by Title IX of the Education Amendments of 1972. ~~According to the Federal Office for Civil Rights and the U. S. Department of Education, Title IX's reach is limited in scope. However, state of Oregon laws and COCC policies prohibit more activities than Title IX.~~ See G-28-3 and N-3 for policy and procedure details. ~~It is important to note that sexual-based harassment, sexual assault, domestic violence, dating violence, or stalking may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.~~

The following conditions must be met for an incident to be considered a potential Title IX complaint:

- An incident must take place within the geographic boundaries of the United States;
- An incident must take place on property owned or controlled by the College, at COCC-sponsored events, or in buildings owned or controlled by COCC's recognized student organizations (~~an incident may be considered a Title IX violation if it took place between COCC-affiliated parties at an off-campus location not controlled by COCC if that behavior restricts a person's access to or participation in an educational program or activity~~);
- The complainant must be participating in or attempting to participate in an education program or activity at the time of filing the complaint; and

- The complainant must report the incident(s) to a COCC employee or submit an incident report to an “official with authority” (see G-28-0.1 for contact information).

~~For other forms of based harrasment the incident must be considered so severe, pervasive, or and objectively offensive that it effectively denies a person(s) equal access to an education program or activity, as defined under the reasonable person standard. This standard does not apply to sexual assault, domestic violence, dating violence or stalking.~~

Alleged sexual harassmentgender discrimination actions that do not fall within the above scope may be reported as a potential violation of COCC’s sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim policy, G-28-3.

G-28-2.1 OFFICIALS WITH AUTHORITY

~~Under Title IX, a College may only investigate an alleged Title IX incident if it was reported to an “Official with Authority” (OWA) employee. An OWA is defined as a COCC employee with responsibility for managing COCC’s Title IX or internal sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim policies and procedures, as well as those individuals assigned to be hearings officers/decision makers. COCC OWA are the Vice President of Student Affairs/Title IX Coordinator, Chief Human Resources Officer, or the Director of Student and Campus Life; see G-28-0.1 for contact information.~~

TITLE IX PROCEDURES

Formatted: English (United States)

N-1-0 NONDISCRIMINATION INTRODUCTION

Central Oregon Community College's goal is to provide an atmosphere of mutual support and respect and fostering an awareness, acceptance and encouragement of different cultures, values and viewpoints. To ensure compliance with federal and state regulations, COCC offers the following processes to guide investigations into discrimination, Title IX, or other sexual harassment (including sexual assault, domestic violence, dating violence and stalking) reports.

N-1-1 FILING A REPORT

Any person who believes they have been discriminated against, harassed, or retaliated against by a College employee, representative, student, or community member based on being a member of a protected class is encouraged to address those concerns by reporting it via the College's [incident report system](#), ~~or~~ by talking with any of the individuals listed below or reporting it to a College employee, noting that the employee will share the information with the College's Title IX Coordinator. These individuals have primary responsibility for coordinating COCC's efforts related to investigation, resolution, and implementation of corrective actions.

These individuals can also provide support or guidance on any aspect of this policy and associated processes.

Area of Concern

Discrimination or harassment on the basis of gender, including gender identity, gender stereotypes, gender characteristics, sexual orientation, pregnancy or related conditions (childbirth, false pregnancy, termination of pregnancy, lactation or recovery from these conditions); or sex discrimination; includes but is not limited to hostile environment, sexual harassment, quid pro que sexual harassment, sexual assault, domestic violence, dating violence, and stalking.

Discrimination or harassment on the basis of age, disability, marital status, national origin, ethnicity, color, race, religion, genetic information, citizenship status, veteran status or any other classes

Contact

Alicia Moore
Vice President of Student Affairs
(VPSA)/Title IX Coordinator
2600 NW College Way
Coats Campus Center, Room 213
Bend, OR 97703
amoore@cocc.edu or 541.383.7244

[Jeremy Abbey](#)
[Care & Conduct Coordinator](#)
[2600 NW College Way](#)
[Wickiup Residence Hall 2203](#)
jabbey@cocc.edu or 541-383-7525

Laura Boehme (if employee or College representative involved)
Chief Human Resources Officer
2600 NW College Way
Newberry Hall, Room 109

Bend, OR 97703
lboehme@cocc.edu or 541.383.7219
Andrew Davis (if only students
involved)
Director of Student and Campus Life
2600 NW College Way
Coats Campus Center, Room 211
Bend, OR 97703
apdavis@cocc.edu or 541.383.7591

In addition to the above, individuals are welcome to contact Campus Safety to file a report:
2600 NW College Way, Boyle Education Center, Room 161, Bend, OR
97703, publicsafety@cocc.edu, or 541.383.7272.

N-1-2 SUPPORTING PARTIES

Reporting or responding parties may bring a supporting party to any aspect of the informal or formal process.

Role of Supporting Parties: In all cases, the supporting party should not have information that may inform the investigation, but instead, attends solely in a supporting role. The support person is not permitted to speak during the meetings associated with this process. This allows the reporting party to best share their experience using their own words.

Students, Community Members or Non-Represented Employees: If the reporting party is a student, community member, or employee not represented by a bargaining unit of the College, the individual may have a support person present at any time during the process. If a supporting party is not available, the student, community member, or employee may request a College-appointed supporting party.

Represented Employees: If an employee is represented by the Classified Association of Central Oregon Community College (CACOCC), the Central Oregon Community College Faculty Forum (COCCFF), or the COCC Adult Basic Skills Instructors - Oregon School Employees Association, the employee may have a representative from her/his bargaining unit or other supporting party present with her/him at any time during the process; they may also request that the College assign a College-appointed individual in this role.

N-1-3 PROCESS OVERVIEW

The following process provides guidance on the College's informal and formal process for investigating and resolving any report of discrimination, noting that any form of gender-based discrimination, Title IX and other sexual harassment reports follows a separate process. Gender-based discrimination is defined as discrimination based on gender identity, gender stereotypes,

gender characteristics, sexual orientation, pregnancy or related conditions (childbirth, false pregnancy, termination of pregnancy, lactation or recovery from these conditions); includes but is not limited to hostile environment, sexual harassment, quid pro quo sexual harassment, sexual assault, domestic violence, dating violence, and stalking. (See N-2 for Title IX incidents and N-3 for COCC sexual harassment, sexual assault, domestic violence, dating violence or stalking incidents) for details.

The COCC Director of Student and Campus Life Dean of Student Engagement will serve as the lead staff person for student-to-student reports and the Director of Human Resources Vice President for People and Technology will serve as the lead staff member if an employee is involved.

N-1-4 INFORMAL PROCESS

The College recognizes that some individuals may wish to resolve an incident(s) on their own, but may need support to do so. In the event that the reporting party wishes to resolve a situation on their own, they are encouraged first to report the incident(s) to the lead staff person. That person will document the incident(s) and can then coach the reporting party on how to resolve the situation, provide options for personal support, and discuss the formal process. The reporting party is encouraged to notify the lead staff member as to whether the concerns were resolved.

Note that the College reserves the right to move the concern to a formal process if the reported action is a repeated behavior and/or a threat to the health and safety of the College.

N-1-5 FORMAL PROCESS

Note that the College will work to resolve all issues within the timelines listed below. It reserves the right for an extension to these timelines should multiple individuals be involved or more complex issues arise. If this happens, the College will make a good faith effort to notify the reporting and responding party(ies).

1. The student, employee or community member files a report through the College's incident report system or by contacting any of the parties listed in section G-28-0.1.
2. The report is routed to the Director of Student and Campus Life for student-to-student concerns or the Director of Human Resources Officer if an employee is involved (hereafter referred to as the "lead staff member").
3. The lead staff member, or their designee, will meet with the concerned individual(s) within five business days of receiving the report to review the concerns, discuss confidentiality, determine the reporting parties' desired next steps, determine the proper avenue for addressing the complaint, and assess the health and safety of the COCC community.

4. Based on the meeting with the reporting party, the lead staff member will make an initial assessment to determine if the alleged actions violate COCC's nondiscrimination policy. If the initial assessment indicates no policy violation has occurred, the lead staff member will work directly with the reporting party towards a resolution.
5. If the report appears that it may violate the College's nondiscrimination policy and if the reporting party requests the College continue with the investigation, the lead staff member, or designee, will appoint an investigator to review the situation.
6. The investigator will meet with the reporting and responding parties individually, as well as other individuals associated with the report as appropriate. Note that either party may bring a supporting party to the meetings (see section N-1-2).
7. Upon completion of the investigation, the investigator will compile a fact-based report and give to the lead staff member.
8. The lead staff member will review the report to determine whether a violation of the College's nondiscrimination policy occurred and if so, appropriate next steps. For students, this could be a student conduct hearing. For employees, this will be based on the process associated with their employee group's contract or handbook.

N-1-6 APPEALS PROCESS

The reporting or responding party may appeal the final decision under the following circumstances:

- Violation of the process detailed in this section;
- In light of new evidence not reasonably available at time of investigation;
- Evidence of bias on part of the lead staff member; or
- Evidence of conflict of interest of the lead staff member (see G-28-6 for "Conflict of Interest" definition)

The appeal must be filed within five business days of the final decision. If the original decision was made by the Director of Student and Campus Life, the appeal should be filed with the Vice President of Student Affairs. If the original decision was made by the Director of Human Resources, the appeal should be filed with the Chief Information and Human Resources Officer. The request for an appeal will be denied if any one of the above conditions are not met or if it not filed within five business days.

If an appeal is warranted, the Vice President of Student Affairs or the Chief Information and Human Resources Officer will serve as the appeals officer to review the decision, investigative report, and any evidence. The appeals officer will notify all parties of their decision within ten business days of being appointed to the process. The appeals officer's decision is final.

N-2-0 TITLE IX INTRODUCTION

Title IX refers to the federal law prohibiting gender discrimination on the basis of gender stereotypes, characteristics, pregnancy or related conditions (childbirth, false pregnancy, termination of pregnancy, lactation or recovery from these conditions), sexual orientation and general identity on college campuses. It includes sexual harassment, sexual assault, domestic violence, dating violence and stalking ~~on college campuses~~. The policies listed in this section

apply only to qualifying Title IX allegations specifically prohibited by Title IX of the Education Amendments of 1972. ~~According to the Federal Office for Civil Rights and the U. S. Department of Education, Title IX's reach is limited in scope. However, state of Oregon laws and COCC policies prohibit more activities than Title IX.~~ See G-28-3 and N-3 for policy and procedure details.

Please see G-28-0.2, Definition of Terms, for the terms used in this section.

N-2-1 FILING A COMPLAINT

The reporting party (hereafter referred to as "complainant") ~~files an initial incident~~ report via the College's [incident reporting system](#) or by talking with any employees. ~~If reported to a College employee, the employee will notify the College's Title IX Coordinator or Deputy Coordinator. Report additionally may be an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX listed in G-28-0.1. To be given Title IX consideration, the report must be filed by the complainant or Title IX Coordinator; third party complaints are not allowed. Additionally, the report must include a description of the allegation, request that the College investigate the incident(s), and be signed (electronic or physical) by the complainant or Title IX Coordinator. If the complaint is not complete, the Title IX Coordinator will work with the complainant to finalize the report if they wish to do so.~~

N-2-2 DISMISSAL OF COMPLAINT

The College is required to dismiss a complaint at any point during an investigation or hearing if it does not meet the conditions listed in G-28-2 or if sufficient evidence cannot be gathered. If this occurs, the complainant may pursue actions under the College's Sexual Harassment Policy, G-28-3. Additionally, the College will dismiss the complaint at any point during an investigation or hearing if a complainant notifies the Title IX Coordinator in writing they would like to withdraw the complaint.

Parties will be notified in writing in the event of a dismissal.

N-2-3 PROCESS COUNSELING

Upon receipt of the complaint, the College's Title IX Coordinator will contact the reporting party to:

- Explain reporting options, including option to report to law enforcement;
- Provide guidance on how to file a complaint;
- Review the informal and formal investigation process; and
- Provide information on available support resources, [including access to a confidential victim's advocate.](#)

N-2-4 AMNESTY CLAUSE

In order to encourage complainants and witnesses to report potential Title IX incidents, the College will not pursue disciplinary action against complainants or witnesses who disclose personal alcohol or other drug use if the report is made in good faith or the actions did not place the health or safety of any other person at risk. The College may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

N-2-5 STANDARD OF EVIDENCE

The College will apply the “preponderance of evidence” standard for both the informal or formal process. Preponderance of evidence is defined as the facts and evidence demonstrate that the alleged policy violation is more likely to have happened than not.

N-2-6 RESPONDING PARTY AND PRESUMPTION OF INNOCENCE

The respondent is presumed not responsible for the alleged actions until the hearings officer has an opportunity to review the investigatory report and make their determination.

N-2-7 CONSOLIDATION OF COMPLAINTS

During the course of an informal or formal investigation, the College may learn additional information that leads to additional allegations and/or involve more than one complainant. In these instances, the College reserves the right to consolidate cases and investigate under one process or treat each as separate incidents. The complainant(s) and responding parties will be notified through the appropriate procedures should this occur.

N-2-8 ADVISOR OF CHOICE

~~Title IX requires that a~~ All complainants and respondents have the right to have an advisor present during the investigation, hearings, and appeals processes. Parties can opt for their own advisor or COCC can appoint a trained advisor if the parties choose~~select from a pool of COCC-trained advisors; if a party does not do so, the meeting will be paused and an advisor automatically assigned.~~

The role of the advisor is to primarily advise parties on the process, help parties track information, advise parties on their rights, and if a COCC-trained advisor, refer parties to on- and off-campus supports. In all cases, the advisor ~~should~~ shall not have information that may inform the investigation. The advisor is not permitted to speak during the meetings associated with this process, with the exception that they are the only party allowed to cross-examine others during a hearing.

N-2-9 RANGE OF POTENTIAL SANCTIONS AND REMEDIES

Title IX violations solely involving students in which an individual(s) is found responsible may result in sanctions including, but is not limited to, warning, suspension, summary suspension, expulsion or other sanctions deemed appropriate by the hearings officer. Remedies could include, but are not limited to, providing an alternative class schedule and increasing training for students and employees.

Title IX violations in which an employee is found responsible may result in just cause for discipline, which includes, but not limited to, warning, temporary dismissal, dismissal or other sanctions deemed appropriate by the hearings officer. Remedies could include, but are not limited to, providing an alternative work schedule and increasing training for students and employees.

N-2-10 INFORMAL INVESTIGATION, DECISION AND APPEAL

The College will utilize the following process should the complainant wish to pursue an informal process, noting that other activities may take place at the discretion of the Title IX ~~Officer~~ Coordinator or Deputy Coordinator and as appropriate to the investigation. The timelines listed below are estimates only and the College reserves the right for additional time should complex situations arise.

Note that this process is only available in situations involving a student(s) as the responding party. If the responding party is an employee, the College must pursue an investigation under the formal process (N-2-11).

Initial Notification and Determination of Process

1. The Title IX ~~Officer~~ Coordinator or Deputy Coordinator will meet with the complainant to explain reporting options and processes, including the option to report to law enforcement; review the informal and formal investigation process; confidentiality; and provide information on available support resources.
2. Should the complainant wish to move forward with an informal investigation, the Title IX ~~Officer~~ staff will notify the respondent, in writing, of the alleged complaint.
3. The Title IX ~~Officer~~ staff will review the informal and formal investigation process with the complainant and respondent independently. Both parties must agree, in writing, to pursue the informal investigation.
4. Should both parties agree, the College will assign an investigator who does not have a conflict of interest with either party (see G-28-6). Should one or both parties not agree, and if the complainant wishes to pursue a formal investigation, the College will use the formal process (see N-2-11).

Investigation and Decision

1. The investigator will meet independently with both parties, allowing each to share their perspective on the alleged incident(s), ask questions for clarity, information about potential witnesses, appropriate evidence, and any other information needed to best

determine the facts associated with the incident. The investigator will meet with witnesses as appropriate.

2. After meeting with all parties, the investigator will complete a written report summarizing all facts and evidence within ten business days.
3. The report will be forwarded to the Title IX Coordinator. If the complaint is between students only, or if the respondent is a student, the report will be sent to the ~~Director of Student and Campus Life~~ Dean of Student Engagement to consider if a potential policy violation exists. If so, the ~~Dean of Student Engagement~~ Director of Student and Campus Life will hold a student conduct hearing and determine potential sanctions or remedies (see N-2-9). If the complaint involves an employee as the complainant, the report will be sent to the ~~Director Human Resources~~ Vice President of People and Technology to consider if a potential policy violation exists and any appropriate next steps. Note that the College is required to shift the complaint to the formal process if the responding party is an employee.

Appeals

The complainant or respondent party may appeal the decision under the following circumstances:

- Violation of the process detailed in this section;
- light of new evidence not reasonably available at time of investigation;
- Evidence of bias on part of the investigator(s), ~~Director of Campus and Student Life or Director of Human Resources~~ or hearings officer to; or
- Evidence of conflict of interest of the investigator(s); or hearings officer ~~Director of Campus and Student Life or Director of Human Resources~~ (see G-28-6 for "Conflict of Interest" definition)

The appeal must be filed within five business days of the final decision and submitted to the ~~Dean of Student Engagement~~ Director of Campus and Student Life or Vice President of People and Technology ~~Director of Human Resources~~.

Request for appeal involving only students will be reviewed by the Vice President of People and Technology (VPPT) ~~Chief Information and Human Resources Officer (CIHRO)~~; in the absence of the ~~VPPT~~ CIHRO, the ~~VPPT~~ CIHRO will designate an alternate. The request for an appeal will be denied if any one of the above conditions are not met or if it not filed within five business days. If an appeal is warranted, the ~~VPSA~~ VPPT will review the decision, investigator report, and evidence. The ~~VPSA~~ VPPT will notify all parties of their decision within ten business days unless extenuating circumstances exist. The ~~VPSA's~~ VPPT's decision is final.

Request for an appeal involving employees will be reviewed by the ~~Chief Information and Human Resources Officer (CIHRO)~~ Dean of Student Engagement (DSE); in the absence of the ~~CIHRO~~ DSE, the Title IX Coordinator will designate an alternate. The request for an appeal will be denied if any one of the above conditions are not met or if it not filed within five business days. If an appeal is warranted, the ~~CIHRO~~ DSE will review the decision, investigative report, and any

evidence. The CHRO-DSE will notify all parties of their decision within ten business days unless extenuating circumstances exist. The CHRO's-DSE decision is final.

N-2-11 FORMAL INVESTIGATION, DECISION AND APPEAL

The College will utilize the following process should the complainant wish to pursue a formal Title IX investigation and resolution process. The timelines listed below are estimates only and the College reserves the right for additional time should complex situations arise.

Initial Notification and Determination of Process

1. The complainant files an initial report via the College's incident reporting system or by talking with any employees listed in section G-28-0.1. ~~To be considered a Title IX complaint, the report must be filed by the complainant or Title IX Coordinator; third-party complaints are not allowed. Additionally, the report must include a description of the allegation, request that the College investigate the incident(s), and be signed (electronic or physical) by the complainant or Title IX Coordinator. If the complaint is not complete, the Title IX Coordinator will work with the complainant to finalize the report if they wish to do so.~~
2. The College will make an initial assessment to ensure that the complaint meets Title IX regulatory standards (see section G-28-2). If the complaint does not appear to meet these standards, ~~the~~ Title IX Officer-staff will discuss alternative investigatory options with the complainant.
3. If the complaint appears to meet Title IX standards, ~~the~~ Title IX Officer-staff will meet with the complainant to explain reporting options, requirements, and processes, including reporting to law enforcement; discuss options for an advisor and the advisor's role; review the informal and formal investigation process; review confidentiality options; provide information on available support resources, including access to a confidential victim's advocate; and determine complainant wishes for next steps.
4. If the complainant wishes, the College will implement interim measures designed to ensure the complainant's right to access their education, develop safety plans for potential future interactions, and provide academic accommodations reasonable and appropriate to the nature of the alleged incident(s).

Investigation Process

1. ~~The~~ Title IX Coordinator-staff will provide written notice of the allegations and investigation to the respondent. This notice will include:
 - a. A summary of the allegations;
 - b. Date(s) and location(s) of incident(s), if known;
 - c. Identity of parties, if known;
 - d. The alleged policy violation;
 - e. Description of the Title IX formal investigatory and appeals process;

- f. Potential sanctions and remedies;
 - g. Evidentiary standard, including a statement that the respondent is presumed not responsible for the alleged actions until the hearings officer has an opportunity to review the investigatory report;
 - h. Statement on COCC's non-retaliation policy;
 - i. Statement on process privacy;
 - j. A statement on each party's requirement option to have a College-appointed advisor or advisor-of-choice each stage of the process and how to request a College-appointed advisor if needed;
 - k. A statement that COCC prohibits participants from knowingly making false statements during the course of this process;
 - l. Details on how to request accommodations for those with disabilities;
 - m. The names and contact information for the investigator and hearings officers, along with an opportunity for the respondent to identify potential conflicts of interest between the respondent and investigator and/or hearings officer; and
 - n. Directions to preserve any evidence directly related to the investigation.
- The notice of allegations and investigation will be delivered in two or more of the following ways: Delivered in person, mailed to permanent or temporary address, or emailed to the parties' COCC email. Once delivered, mailed or emailed, the College will presume the letter was received.
2. The College will appoint an investigator(s) free from conflict of interest for both the complainant and respondent.
 3. Upon receipt of the notice of allegations and investigation, the investigator(s) will typically take the following steps, although not necessarily in the order listed:
 - a. Individually interview the complainant(s) and respondent(s), noting that the College will provide a college-appointed advisor should the complainant or respondent not have someone serving this capacity. The investigator will schedule the meeting at a mutually agreed-upon date and time no more than ten days after being appointed as an investigator.
 - b. Notify the complainant and respondent of interview dates, including interviews with witnesses;
 - c. Interview potential, relevant witnesses, noting that any witness may have a supporting party in attendance (see section N-1-2).
 - d. Collect and document relevant evidence.
 4. Upon conclusion of the interviews with complainant, respondent, and witnesses, the investigator(s) will draft a report to include, at a minimum, the following:
 - a. Background (e.g., date of report and incident(s), alleged policy violation, names of complainant(s) and respondent(s) and their advisors, interim measures);
 - b. Verification that the complaint met Title IX regulatory standards;
 - c. Factual summary of investigatory findings
 - d. List of all parties interviewed, dates, and times;
 - e. Narrative of interviews;

- f. Description of evidence collected;
- g. Institutional standard of evidence statement and how the allegations meet or do not meet this standard; and
- h. Other information which may assist the hearings officer in making their determination.

The report will not include information not directly related to the alleged violation, unless it is evidence of a pattern of behavior on behalf of the respondent, the character of the complainant or respondent, or the complainant's past sexual activity unless offered to prove that someone else conducted the alleged violation.

- 5. The draft investigatory report will be sent to ~~the~~ Title IX ~~Coordinator~~ staff.
- 6. ~~The~~ Title IX ~~Coordinator~~ staff will send the report and copies of any evidence to the complainant, respondent, and their advisors.
- 7. The complainant or respondent will have ten business days by which to contest any factual information included in the report and must provide evidence to support this request. The investigator, at their discretion, will modify the report if appropriate. If not, the investigator will provide an addendum to the report with the complainant or respondent's requested modification.

Hearing/Decision Process

- 1. ~~The~~ Title IX ~~Coordinator~~ staff will assign a hearings officer to review the report. The hearings officer will be the Dean of Student Engagement (or designee) ~~the Director of Student and Campus Life~~ if the incident(s) only involve students or the ~~Director of Human Resources~~ Vice President for People and Technology (or designee) if the incident(s) involve an employee.
- 2. Upon review of the final investigator report, the Hearing Officer shall determine if a hearing is warranted. If no, the complaint will be dismissed and complainant and responding parties notified.
- 3. If the hearing is warranted, the complainant and respondent will be notified of the hearing date, time, location/modality. A hearing will be scheduled no sooner than 10 days after the release of the investigative report. If requested by either party, the complainant and respondent can be in different rooms, but connected via appropriate technology supports. The request may be made prior to or during any part of the hearing by either party.
- 4. The complainant and respondent are permitted to bring an advisor of choice to the hearing (see N-2-8). If they do not do so, the College will appoint someone to serve in this capacity.
- 5. Record of Hearing: All hearings will be recorded either by an audio or video transcript.
- 6. The investigator will present a summary of their report at the start of the hearing and be available throughout the hearing to answer any questions or provide clarification of information provided by complainant or respondent during the hearing.
- 7. The hearings officer will ask needed questions of both parties.
- 8. Each party has an opportunity to cross-examine one another, noting that only the advisor of choice may ask the questions. The hearing officer will determine whether the

questions are relevant. Questions about past sexual activity may not be part of any questioning unless the question demonstrates a pattern of behavior directly connected to the allegations. If a party does not respond to cross-examination questions, then the hearings officer may only rely on information in the investigator's report when making their decision.

9. The hearing will conclude.
10. The hearing officer will provide written notification of their decision to the complainant, respondent, and advisors within ten business days of the hearing. This notice will include the finding of responsible or not responsible, rationale for the decision, any sanctions, remedies, options for appealing the decision, and a statement of non-retaliation (see G-28-5).

Appeals Process

The complainant or respondent party may appeal the decision under the following circumstances:

- Violation of the process detailed in this section;
- In light of new evidence not reasonably available at time of investigation;
- Evidence of bias on part of the investigator or hearing officer; or
- Evidence of conflict of interest of the investigator or hearing officer (see G-28-6 for "Conflict of Interest" definition)

The appeal must be filed within five business days of the hearings to the hearing officer. Request for appeal involving only students will be reviewed by the [Chief Information and Human Resources Officer/Vice President of People and Technology \(VPPT\)-\(CIHRO\)](#); in the absence of the [CIHRO/VPPT](#), the [CIHRO-VPPT](#) will designate an alternate. The request for an appeal will be denied if any one of the above conditions are not met or if it not filed within five business days. If an appeal is warranted, the [VPSA-VPPT](#) will review the decision, investigator report, and evidence. The [VPSA-VPPT](#) will notify all parties of their decision within ten business days unless extenuating circumstances exist. The [VPSA's-VPPT's](#) decision is final.

Request for an appeal involving employees will be reviewed by the [Chief Information and Human Resources Officer \(CIHRO\)/Dean of Student Engagement \(DSE\)](#); in the absence of the [CIHRO/DSE](#), the Title IX Coordinator will designate an alternate. The request for an appeal will be denied if any one of the above conditions are not met or if it not filed within five business days. If an appeal is warranted, the [CIHRO-DSE](#) will review the decision, investigative report, and any evidence. The [CIHRO-DSE](#) will notify all parties of their decision within ten business days unless extenuating circumstances exist. The [CIHRO's-DSE's](#) decision is final.

N-3-0 INTRODUCTION - COCC'S SEXUAL HARASSMENT, SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING PROCEDURES

The definition for sexual harassment under Title IX (N-2-0) is limited in scope and as such, COCC adopted a process for sexual harassment, sexual assault, domestic violence, dating violence and

stalking that aligns with state of Oregon law. This section describes the process used should a report not fall within the jurisdiction of or standards associated with Title IX.

Under Oregon law, sexual harassment is defined as unwelcome conduct of a sexual nature and can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct where such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance or it has created an intimidating, hostile, or offensive environment and would have such an effects on a reasonable person. This includes sexual assault, domestic violence, dating violence, and stalking (see G-28-0-2 definitions of sexual assault, domestic violence, dating violence, and stalking). Sexual harassment may happen between individuals of the same or different genders and may be based on gender stereotypes, sexual orientation and gender identity. It may occur between COCC parties at either on- or off-campus location(s). Please see the definition of terms (section G-28-0.2) for the terms used in this section.

N-3-1 FILING A COMPLAINT

The reporting party files an initial report via the College's [incident reporting system](#) or by talking with any employees listed in section G-28-0.1.

N-3-2 DISMISSAL OF REPORT

The College may dismiss a report at any point during an investigation or hearing if it does not meet the definition in N-3-0 or if sufficient evidence cannot be gathered. Additionally, the College will dismiss the report if at any point during an investigation or hearing if the reporting party notifies the VPSA/Title IX Coordinator in writing they would like to withdraw the complaint.

In the event of a dismissal, all parties will be notified in writing.

N-3-3 PROCESS OF COUNSELING

Upon receipt of the complaint, the College's VPSA/Title IX Coordinator will contact the reporting party to:

- Explain reporting options, including option to report to law enforcement;
- Provide guidance on how to file a complaint;
- Review the informal and formal investigation process; and
- Provide information on available support resources.

N-3-4 AMNESTY CLAUSE

In order to encourage complainants and witnesses to report potential Title IX incidents, the College will not pursue disciplinary action against complainants or witnesses who disclose personal alcohol or other drug use if the report is made in good faith or the actions did not place the health or safety of any other person at risk. The College may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

N-3-5 STANDARD OF EVIDENCE

The College will apply the “preponderance of evidence” standard for both the informal or formal process. Preponderance of evidence is defined as the facts and evidence demonstrate that the alleged policy violation is more likely to have happened than not.

N-3-6 RESPONDING PARTY AND PRESUMPTION OF INNOCENCE

The responding party is presumed not responsible for the alleged actions until the hearings officer has an opportunity to review the investigatory report and make their determination.

N-3-7 CONSOLIDATION OF REPORTS

During the course of an informal or formal investigation, the College may learn additional information and/or involve more than one responding party. In these instances, the College reserves the right to consolidate cases and investigate under one process or treat each as separate incidents. The reporting and responding parties will be notified through the appropriate procedures should this occur.

N-3-8 SUPPORTING PARTIES

Reporting or responding parties may bring a supporting party to any aspect of the informal or formal process.

Role of Supporting Parties: In all cases, the supporting party should not have information that may inform the investigation, but instead, attends solely in a supporting role. The support person is not permitted to speak during the meetings associated with this process. This allows the reporting party to best share their experience using their own words.

Students, Community Members or Non-Represented Employees: If the reporting party is a student, community member, or employee not represented by a bargaining unit of the College, the individual may have a support person present at any time during the process. If a supporting party is not available, the student, community member, or employee may request a College-appointed supporting party.

Represented Employees: If an employee is represented by the Classified Association of Central Oregon Community College (CACOCC), the Central Oregon Community College Faculty Forum (COCCFF), or the COCC Adult Basic Skills Instructors - Oregon School Employees Association, the employee may have a representative from her/his bargaining unit or other supporting party present with her/him at any time during the process; they may also request that the College assign a College-appointed individual in this role.

N-3-9 INFORMAL INVESTIGATION, DECISION, AND APPEAL

The College recognizes that some individuals may wish to resolve an incident(s) on their own, but may need support to do so. In the event that the reporting party wishes to resolve a situation on their own, they are encouraged first to report the incident(s) via the College’s [incident reporting system](#) or by talking with any employees listed in section G-28-0.1.

That person can then coach the reporting party on how to resolve the situation, provide options for personal support, and discuss the formal process. The reporting party is encouraged to notify the lead staff member as to whether the concerns were resolved.

Note that the College reserves the right to move the concern to a formal process if the reported action is a repeated behavior and/or a threat to the health and safety of the College.

N-3-10 FORMAL INVESTIGATION, DECISION, AND APPEAL

The College will utilize the following process should the reporting party wish to pursue a formal investigation and resolution process. The timelines listed below are estimates only and the College reserves the right for additional time should complex situations arise.

Initial Notification and Determination of Process

1. If a College employee (see "responsible party," G-28-3.1) is notified of a potential sexual harassment, sexual assault, domestic violence, dating violence, and stalking incident(s), they must notify the College's VPSA/Title IX ~~Officer~~Coordinator. Alternatively, an individual may file their own report via the College's [incident reporting system](#) and/or speak with any staff member listed in section G-28-0.1.
2. The Title IX ~~Officer~~Coordinator will meet with the reporting party to explain reporting options, requirements, and processes; discuss the role of supporting parties; discuss options to report to law enforcement; review the informal and formal investigation process; review confidentiality options; provide information on available support resources; and determine reporting party's wishes for next steps.
3. If the reporting party wishes, the College will implement interim measures designed to ensure the reporting party's right to access their education, develop safety plans for potential future interactions, and provide academic accommodations reasonable and appropriate to the nature of the alleged incident(s).
4. If the report appears to violate the College's sexual harassment, sexual assault, domestic violence, dating violence, and stalking policy, and if the reporting party so desires, the College will initiate an investigation. The reporting party may withdraw their request for the investigation at any point of the process.

Investigation Process

1. The College will appoint an investigator(s) free from conflict of interest (see G-28-6) for both the reporting party and responding party.
2. The investigator will contact the reporting and responding parties for individual interviews. In the case of the responding party, the investigator will provide information about the nature of the allegations and names of reporting parties in line with the reporting party's wishes for confidentiality. This information will be delivered in two or more of the following ways: Delivered in person, mailed to permanent or temporary address, or emailed to the parties' COCC email. Once delivered, mailed or emailed, the College presume the letter was received.

3. Upon receipt of the notice of investigation, the investigator(s) will typically take the following steps, although not necessarily in the order listed:
 - a. Individually interview the reporting party(s) and responding party(s), noting that the College will provide a college-appointed advisor should the reporting or responding party not have someone serving in this role. The investigator will schedule the meeting at a mutually agreed-upon date and time no more than ten days after being appointed as an Investigator.
 - b. Interview potential, relevant witnesses, noting that any witness may have a supporting party in attendance (see section N-1-2).
 - c. Collect and document relevant evidence.
4. Upon conclusion of the interviews with reporting party, responding party, and relevant witnesses, the investigator(s) will write a report to include, at a minimum, the following:
 - a. Background (e.g., date of report and incident(s), alleged policy violation, names of reporting party(s) and responding party(s) and their advisors, interim measures);
 - b. List of all parties interviewed, dates, and times;
 - c. Summary of interviews;
 - d. Description of evidence collected;
 - e. Other information which may assist the hearings officer in making their determination.

The report will not include information not directly related to the alleged violation unless it is evidence of a pattern of behavior on behalf of the responding party, investigator judgment about the character of the reporting party or responding party, or the either party's past sexual activity unless offered to prove that someone else conducted the alleged violation.

5. The investigatory report will be sent to the VPSA/Title IX Coordinator.

Hearing/Decision Process

1. The Title IX Coordinator will assign a hearings officer to review the report. The hearings officer will be the [Dean of Student Engagement](#) ~~Director of Student and Campus Life~~ if the incident(s) only involve students or the Director of Human Resources if the incident(s) involve an employee.
2. Upon review of the final investigator report, the hearing officer shall determine if a hearing is warranted. If no, the report will be dismissed and reporting party and responding parties notified.
3. If the hearing is warranted, the responding party will be notified of the hearing date, time, and location/modality.
4. Record of Hearing: All hearings will be recorded either by an audio or video transcript.
5. The hearings officer will ask additional questions as needed.
6. The hearing will conclude.

7. The hearings officer will provide written notification of their decision to the reporting party, responding party, and advisors/supporting parties within ten business days of the hearing. This notice will include the finding of responsible or not responsible, rationale for the decision, any sanctions or remedies, options for appealing the decision, and a statement of non-retaliation (G-28-5).

Nothing in the policy precludes any person from filing a formal grievance in accordance with applicable collective bargaining agreements or with the Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC).

Appeals Process

The reporting party or responding party may appeal the decision under the following circumstances:

- Violation of the process detailed in this section;
- In light of new evidence not reasonably available at time of investigation;
- Evidence of bias on part of the hearings officer; or
- Evidence of conflict of interest of the hearings officer (see G-28-6 for "Conflict of Interest" definition)
- The appeal must be filed within five business days of the hearings to the hearings officer.

Request for appeal involving only students will be reviewed by the ~~Chief Information and Human Resources Officer (CIHRO)~~Vice President of People and Technology (VPPT); in the absence of the CIHRO, the CIHRO will designate an alternate. The request for an appeal will be denied if any one of the above conditions are not met or if it not filed within five business days. If an appeal is warranted, the VPSA will review the decision, investigator report, and evidence. The VPSA will notify all parties of their decision within ten business days unless extenuating circumstances exist. The VPSA's decision is final.

Request for an appeal involving employees will be reviewed by the ~~Chief Information and Human Resources Officer (CIHRO)~~VPPT; in the absence of the ~~CIHRO~~VPPT, the Title IX Coordinator will designate an alternate. The request for an appeal will be denied if any one of the above conditions are not met or if it not filed within five business days. If an appeal is warranted, the ~~CIHRO~~VPPT will review the decision, investigative report, and any evidence. The ~~CIHRO~~VPPT will notify all parties of their decision within ten business days unless extenuating circumstances exist. The ~~CIHRO's~~VPPT decision is final.