



## Red Rocks Community College Human Resources Operational Guideline

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**Category:** College Personnel

**Title:** Employee Civil Rights Grievance and Investigation Procedure

**Number:** RRPR/HROG 3-50b

**Effective:** 05/09/12

**Revised:** 09/22/14

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**Reference:** Board Policy (BP) 3-120 Affirmative Action/Anti-Discrimination; BP 4-120 Prohibition of Discrimination or Harassment; System President's Procedure (SP) 3-120a and SP 4-120a Sexual Misconduct Procedure for Employees and Students; SP 3-50b and SP 4-31a Civil Rights Grievance and Investigation Process for Employees and Students

**Purpose:** In the interest of equitable and efficient operation of Red Rocks Community College (RRCC), employees of the College shall be afforded a mechanism by which civil rights grievances can be investigated, acted upon, and resolved at the earliest opportunity.

**Scope:** This procedure applies when the accused party (respondent) to a discrimination and/or harassment complaint is an Administrator/Professional Technical employee(s), Faculty and Adjunct Instructor(s), Classified employee(s) (RRCC employees), authorized volunteer(s), guest(s) or visitor(s) at CCCS SP 3-50b and this procedure will apply. When the respondent to a discrimination and/or harassment complaint is a student within CCCS, SP 4-31 and RRPR 4-31 will apply.

**Attachment:** Incident Report Form

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**Basis:** Board Policy (BP) 3-120 and BP 4-120 provides that employees and students shall not be subjected to unlawful discrimination and/or harassment on the basis of sex/gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, genetic information, gender identity, or sexual orientation in its employment practices or educational programs and activities.

<http://www.cccs.edu/SBCCOE/Policies/BP/PDF/BP3-120.pdf>

<http://www.cccs.edu/SBCCOE/Policies/BP/PDF/BP4-120.pdf>



**Procedure<sup>1</sup>**: This RRCC procedure should be applied to all civil rights grievances.

The System President delegates to each College President the responsibility to ensure this procedure is implemented at their college for both employees and students. The System President will be responsible to ensure this procedure is implemented at RRCC.

## **Definitions**

**Complainant(s)** is a person who is subject to alleged protected class discrimination, harassment or related retaliation. For purposes of this procedure, a complainant can be a CCCS Employee(s), student(s), authorized volunteer(s), guest(s), or visitors(s).

**Respondent(s)** is a person whose alleged conduct is the subject of a complaint. For purposes of this procedure, a respondent can be a CCCS Employee(s), authorized volunteer(s), guest(s), or visitor(s).

**Title IX Coordinator(s) and Title VI and VII Coordinator(s) (EO Coordinator)** is the employee(s) designated by the college president to oversee all civil rights complaints. At RRCC, the Director of Human Resources has been designated by the president as this individual.

**Appointing Authority/Disciplinary Authority** is the individual with the authority or delegated authority to make ultimate personnel decisions concerning a particular employee. A Disciplinary authority is the individual who or office that has the authority or delegated authority to impose discipline upon a particular employee. This individual will be collectively referred to as the "Appointing Authority". The System/College President (President) is considered the designee unless he/she has delegated this responsibility in writing. The president of RRCC has delegated this responsibility to the Director of Human Resources/Title IX Coordinator.

**Investigator(s)** is the person(s) charged to investigate the civil rights grievance by the Title IX and/or the EO Coordinator. The Appointing Authority may also be the investigator(s) over the particular complaint as well as the person in charge of enforcing employee discipline.

**Sexual Harassment** is unwelcome, gender-based verbal or physical conduct that is,

- sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, denying or limiting someone the ability to participate in or benefit from CCCS' educational program and/or activities, or work activities, and
- the unwelcome behavior may be based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

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RRCC has elected to use the National Center for Higher Education Risk Management (NCHERM) and the Association of Title IX Administrators (ATIXA) model policy as the template used in this procedure.



- **Retaliatory harassment** is any adverse employment or educational action taken against a person because of the person's perceived participation in a complaint or investigation of discrimination and/or harassment based on federal and/or state civil rights laws or intentional action taken by an accused individual or third party that harms an individual as reprisal for filing or participating in the civil rights grievance proceeding.

**Sexual Misconduct** offenses<sup>2</sup> include, but are not limited to:

- Sexual Harassment
- Non-Consensual Sexual Contact (or attempts to commit same)
- Non-Consensual Sexual Intercourse (or attempts to commit same)
- Sexual Exploitation

For more information on sexual misconduct please refer to SP 3-120a and SP 4-120a.

<http://www.cccs.edu/SBCCOE/Policies/SP/PDF/SP3-120a.pdf>

<http://www.cccs.edu/SBCCOE/Policies/SP/PDF/SP4-120a.pdf>

**Discrimination** is any distinction, preference, advantage for or detriment to an individual compared to others that is:

- based upon an individual's actual or perceived sex/gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or sexual orientation that is so severe, persistent or pervasive, and
- that unreasonably interferes with or limits:
  - Employee's employment conditions or deprives the individual of employment access or benefits.
  - Student's ability to participate in, access, or benefit from the college's educational program or activities.
  - Authorized volunteers' ability to participate in the volunteer activity.
  - Guests and visitors' ability to participate in, access, or benefit from the college's programs.

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<sup>2</sup> RRCC has elected to use the term "Sexual Misconduct" to comply with its federal obligations pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. The term "sexual misconduct" is intended to include incidences that may rise to the level of Sexual Assault, as defined by C.R.S. 18-3-402, and/or applicable local jurisdictional crimes. The decision to investigate and sanction an incident under this procedure does not constitute a determination that the incident is a criminal offense. The decision to criminally charge an incident as a "sexual assault", and/or applicable local jurisdictional crimes, is a determination for law enforcement.



**Discriminatory Harassment** is detrimental action based on an individual's actual or perceived sex/gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or sexual orientation which is

- severe, persistent or pervasive that it unreasonably interferes with or limits:
  - Employee's employment conditions or deprives the individual of employment access or benefits.
  - Student's ability to participate in, access, or benefit from the college's educational program or activities.
  - Authorized volunteers' ability to participate in the volunteer activity.
  - Guests and visitors' ability to participate in, access, or benefit from the college's programs.

### **Complaint Procedures Concerning Discrimination and/or Harassment**

RRCC does not permit discrimination or harassment in our work environment, educational programs and activities. RRCC can respond to discrimination and/or harassment only if it is aware of the allegations made. Further, RRCC can more effectively investigate the sooner the allegation is brought to its attention. Any employee or student who believes they have been subjected to discrimination and/or harassment based on federal or state civil rights laws should follow this procedure to report these concerns.



## **Reporting an Incident of Discrimination and/or Harassment**

### **Employee's Obligation to Report**

RRCC employees have an ethical obligation to report any incidences they are aware of concerning discrimination and/or harassment. If the employee is unsure, s/he may direct their questions to Human Resources at the college. Failure to report will be considered a violation of BP 3-70, Colorado Community College System Code of Ethics, and may result in discipline, up to and including termination.

### **To Report a Complaint Confidentially**

If one desires that details of the incident be kept confidential, they should speak with the RRCC mental health counselors or off-campus rape crisis resources who can maintain confidentiality. The RRCC mental health counselors are available to help you free of charge, and can be seen on emergency basis. In addition, you may speak on and off-campus with members of the clergy and chaplains, who will also keep reports made to them confidential.

[More information is available on the RRCC Counseling Services page.](#)

### **Reporting a Complaint**

In order to take appropriate corrective action, RRCC must be aware of discrimination, harassment and related retaliation that occurs in RRCC employment and educational programs or activities. Therefore, anyone who believes s/he has experienced or witnessed discrimination, harassment or related retaliation should promptly report such behavior to the Title IX/EO Coordinator.

### **Clery Act-Federal Statistical Reporting Obligations**

Certain campus officials have a duty to report criminal misconduct for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student affairs/student conduct officers, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

### **Clery Act-Federal Timely Warning Reporting Obligations**

Victims of criminal misconduct should also be aware that college administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a



substantial threat of bodily harm or danger to members of the campus community. The college will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are the same as detailed at the end of the above section.

For more information on Clery Act reporting requirements please contact the Chief of Police Sean Dugan, 13300 West Sixth Avenue, Lakewood, CO, 80228. 303.914.6498. sean.dugan@rrcc.edu.

### **Filing a Complaint**

All complaints shall be made as promptly as possible after the occurrence. A delay in reporting may be reasonable under some circumstances; however, an unreasonable delay in reporting is an appropriate consideration in evaluating the merits of a complaint or report.

### **Who to Report to**

Report all concerns or complaints relating to discrimination or harassment to the Title IX/EO Coordinator(s):

Bill Dial, PhD  
Executive Director of Human Resources/Title IX Administrator  
13300 West Sixth Avenue, Lakewood, CO 80228  
303.914.6298.  
bill.dial@rrcc.edu.

Students who wish to report a concern or complaint relating to sexual misconduct or other concerns or complaints relating to civil rights discrimination or harassment may do so by reporting the concern to:

Bill Dial, PhD  
Executive Director of Human Resources/Title IX Administrator  
13300 West Sixth Avenue, Lakewood, CO 80228  
303.914.6298.  
bill.dial@rrcc.edu.

Employees who wish to report a concern or complaint relating to discrimination or harassment by/towards a student may do so by reporting the concern to the Title IX Coordinator(s).

Bill Dial, PhD  
Executive Director of Human Resources/Title IX Administrator  
13300 West Sixth Avenue, Lakewood, CO 80228  
303.914.6298.



bill.dial@rrcc.edu.

Deborah Houser  
Assistant Director of Human Resources  
Deputy Title IX Coordinator  
13300 West Sixth Avenue, Lakewood, CO 80228  
303.914.6224  
Deborah.houser@rrcc.edu

Employees who wish to report a concern or complaint relating to discrimination or harassment by/towards an employee may do so by reporting the concern to the EO Coordinator(s).

Students with complaints of this nature also have the right to file a formal complaint with the United States Department Education:

Office for Civil Rights (OCR)  
U.S. Department of Education  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 310  
Denver, CO 80204-3582  
Telephone: (303) 844-5695  
Facsimile: (303) 844-4303  
[Email: OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)  
[Web: http://www.ed.gov/ocr](http://www.ed.gov/ocr)

For employees with complaints of this nature also have the right to file a formal complaint with the Colorado Department of Regulatory Agencies

Colorado Civil Rights Division  
1560 Broadway #1050  
Denver, CO 80202  
Telephone: (303) 894-2997  
Facsimile: (303) 894-7830  
[Web: http://www.dora.state.co.us/civil-rights/index.htm](http://www.dora.state.co.us/civil-rights/index.htm)

Or

United States Equal Employment Opportunity Commission  
303 E. 17<sup>th</sup> Avenue  
Suite 410  
Denver, CO 80203  
Telephone: (800) 669-4000  
Facsimile: (303) 866-1085  
[Web: http://www.eeoc.gov/field/denver/index.cfm](http://www.eeoc.gov/field/denver/index.cfm)



All other grievances where the complainant is a student(s) and the basis of the complaint is not discrimination and/or harassment based on federal or state civil rights laws will be addressed pursuant to SP 4-31.

<http://www.cccs.edu/SBCCOE/Policies/SP/PDF/SP4-31.pdf>

All other grievances by an employee(s) and the basis of the complaint is not discrimination and/or harassment based on federal or state civil rights laws will be addressed pursuant to SP 3-50a.

<http://www.cccs.edu/SBCCOE/Policies/SP/PDF/SP3-50a.pdf>

## **The Complaint**

Notice of a formal complaint can be made in person or orally to the Title IX or the EO Coordinator(s), but the college strongly encourages submission of grievances involving employee and students to be in writing, by email attachment as a MS Word or pdf document or in another written form.

The grievance should clearly and concisely describe the alleged incident(s), when and where it occurred, and the desired remedy sought. The grievance should be signed by the initiator or, in the case of an email submission, sent as an email attachment, in letter format and should contain the name and all contact information for the grievant. Any supporting documentation and evidence should be referenced within the body of the formal grievance. Additionally, the initiator of a formal grievance should submit any supporting materials in writing as quickly as is practicable.

The complainant's supporting documentation should clearly demonstrate all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor. This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort. If contacting the person involved and/or the supervisor is impracticable, the complainant should state the reasons why.

## **Preliminary Steps**

This complaint process involves an immediate initial investigation to determine if there is reasonable cause to believe a violation has occurred. If so, the college will initiate a prompt, thorough and impartial investigation. This investigation is designed to provide a fair and reliable determination about whether policies or procedures have been violated. If so, RRCC will implement a prompt and effective remedy designed to end the discrimination, prevent its recurrence and address its effects.

## **Timeline of Process (Informal and Formal)**

RRCC shall make every effort to complete the informal process no later than 30 days from the date of notice of complaint.





If the complainant chooses to file a formal complaint, or the informal process was unsuccessful, RRCC shall make every effort to complete the investigation and implement remedies, if any, no later than 60 days from the date the complaint is filed or informal resolution is concluded.

If the college cannot resolve the formal complaint within these time frames, the college may extend the deadline when necessary to properly investigate the complaint.

## **Formal and Informal Grievance Procedure for Student and Employee Complaints**

The RRCC community benefits from informal and formal procedures that encourage prompt resolution of complaints and concerns that employee and students may have about the implementation of policies and procedures that govern the institution.

### **Informal Grievance Process**

Before pursuing the formal complaint process, every reasonable effort should be made to constructively resolve issues with RRCC employees and students at the informal level. Whenever possible and safe, the problem or complaint should first be discussed with the individual involved in the complaint. If satisfactory resolution is not reached after discussion with the individual, the employee or student should contact the individual's direct supervisor to attempt to resolve the complaint. If these efforts are unsuccessful, the formal complaint process may be initiated. The college does not require an employee or student to contact the person involved or that person's supervisor if doing so is impracticable, or if the employee or student believes that the conduct cannot be effectively addressed through informal means.

If the incident involves an alleged sexual assault, the college will not enter into the informal process.

### **Formal Grievance Process**

If the informal grievance process is unsuccessful, or if RRCC or the complainant chooses not to pursue the informal process, upon receipt of the grievance the Title IX/EO Coordinator(s) will open a formal case, or file and assign an investigator(s) who will direct the investigation, confer with the Title IX Coordinator/EO Coordinator(s) on interim action, accommodations for the alleged victim, and take any other necessary remedial short-term actions.

The college has the right to assign more than one investigator per incident.

The investigator(s) will then take the following steps:

- In coordination with the Title IX/EO Coordinator(s), initiate any necessary remedial actions;
- Determine the identity and contact information of the complainant(s) (whether that be the initiator, the alleged victim, or a college proxy or representative);
- Identify the policies and procedures allegedly violated;



- Conduct an immediate initial investigation to determine if there is reasonable cause to charge the respondent(s), and what policy and procedure violations should be alleged as part of the complaint;
  - If there is insufficient evidence to support reasonable cause, the grievance should be closed with no further action;
- Meet with the complainant to finalize the complaint and
- Prepare the notice of charges on the basis of the initial investigation;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the accused individual, who may be given notice prior to or at the time of the interview;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- Present the findings to the respondent, who may accept the findings, accept the findings in part and reject them in part, or may reject all findings;
- Share the findings and update the complainant on the status of the investigation and the outcome.

### **Elaboration on Employee and Student Participation in the Grievance Process**

The investigator(s) will contact or request a meeting with the complainant(s), the alleged victim (if different people), and the respondent(s). The investigator(s) may also contact or request a meeting with relevant college staff, students, or others as part of the investigation. The complainant(s) and respondent(s) may offer any documentation, witnesses, or other materials in support of the complaint.

The complainant(s) and the respondent(s) have the option to have an advocate during a meeting with the case officer/investigator to discuss the documentation submitted in support of the grievance; however, the complainant(s) or respondent(s) cannot be represented by an attorney or law student unless civil or criminal actions concerning the particular incident in question are pending. Under those limited exceptions, an attorney or law student may be present but his or her role shall be advisory only. These procedures are entirely administrative in nature and are not considered legal proceedings.

The complainant(s) and respondent(s) must advise the investigator(s) of the identity of an advocate or witness at least two (2) business days before the date of the meeting with the investigator(s).

No audio or video recording of any kind other than as required by institutional procedure is permitted.

At the investigator's discretion, the investigator(s) may remove anyone who is causing a disruption to the meeting or is being uncooperative.

All these same opportunities and privileges extend to all parties to the complaint.



## **Findings:**

Investigator(s) shall issue the findings in the form of an investigation report. The report shall also contain recommendations for sanctioning, if any, to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the college community. Both parties shall be informed of the findings.

Where the respondent is found not responsible for the alleged violation(s), the investigation should be closed.

Where the respondent accepts the finding that s/he violated the non-discrimination, anti-harassment, or retaliation policy, the CSSO will then proceed with disciplinary action, after consultation with the Title IX/EO Coordinator(s), in accordance with the applicable policies and procedures that govern.

In the event that the complainant or respondent rejects the findings in part or entirely, the investigator(s) will inform the Title IX/EO Coordinator and CSSO. The CSSO will convene a hearing to determine whether the accused individual is in violation of the contested aspects of the complaint<sup>3</sup>.<sup>2</sup>The complainant shall be notified of the hearing. At the hearing, the findings of the investigation will be admitted, but are not binding on the decider(s) of fact. The investigator(s) may give evidence. The complainant and respondent have the opportunity to be present and to participate in the hearing. The hearing will determine whether it is more likely than not that the respondent violated the policies forming the basis of the charge. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.

The hearing panel or person shall issue a decision. Both the complainant and the respondent shall be notified in writing of the decision.

- If the respondent is found not in violation, the investigation shall be closed.
- If the respondent is found in violation, the decision will be given to the CSSO to proceed with disciplinary proceedings in accordance with the applicable policies and procedures that govern. Specifically, :
  - For faculty, disciplinary action will be in compliance with BP 3-20:  
<http://www.cccs.edu/SBCCOE/Policies/BP/PDF/BP3-20.pdf>
  - For classified employees, disciplinary action will be taken pursuant to the applicable State Personnel Rules and Regulations.  
<http://www.colorado.gov/cs/Satellite/DPA-SPB/SPB/1213608768055>

The college will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the college community.

## **Filing an Appeal Request**

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<sup>3</sup>The college may choose to either elect an individual or a three person panel; however, any person fulfilling this role must have had prior investigation training.



In the event that a respondent accepts the findings of the investigation, those findings cannot be appealed during the student discipline process. Sanctions imposed by the CSSO post-investigation can be appealed pursuant to the student discipline procedure. All sanctions imposed by the original decision maker will be in effect during the appeal. A request may be made to the CSSO for special consideration in exigent circumstances, but the presumptive stance of the institution is that the sanctions will stand. Graduation, study abroad, internships/externships, etc. do not in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the employee, student, authorized volunteer, guest or visitor to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.

## **Appeals**

Employees may appeal sanction decisions as outlined in:

- For faculty, disciplinary action will be in compliance with BP 3-20:  
<http://www.cccs.edu/SBCCOE/Policies/BP/PDF/BP3-20.pdf>
- For classified employees, disciplinary action will be taken pursuant to the applicable State Personnel Rules and Regulations.  
<http://www.colorado.gov/cs/Satellite/DPA-SPB/SPB/1213608768055>

## **Special Grievance Process Provisions**

1. **Attempted violations**  
In most circumstances, college will treat attempts to commit discrimination, harassment, or retaliation as if those attempts had been completed.
2. **College as Complainant**  
As necessary, college reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.
3. **Standard of proof-the college will use the preponderance of evidence standard in the civil rights investigation proceedings, meaning, the college will determine whether it is more likely than not a violation occurred.**
4. **False Reports**  
College will not tolerate intentional false reporting of incidents. False reporting could lead to disciplinary action, up to and including termination for employees, and expulsion for students.
  - For RRCC employees, false reports will be considered a violation of BP 3-70, Code of Ethics.
  - For students, false reports will be considered a violation of the college student code of conduct.

False reporting may also be a violation of state criminal statutes and civil defamation laws.



#### 5. Immunity for Victims and Witnesses that are Students

RRCC encourages the reporting of violations and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to RRCC officials or participate in grievance processes because they fear that they themselves may be accused of policy and procedure violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to college officials, and that witnesses come forward to share what they know. To encourage reporting, RRCC pursues a policy of offering victims of crimes and witnesses limited immunity from policy violations related to the incident. This is not immunity from criminal prosecution.

The Parties do not have the right to be represented by legal counsel during these proceedings except in the case where civil or criminal actions concerning the grievance are pending and in that case the legal counsel's role shall be advisory only. The party represented by legal counsel must notify the investigator(s) fortyeight (48) hours in advance of any scheduled meeting so that the investigator(s) can notify the other party.

#### **Bystander Engagement for Students**

The welfare of students in our community is of paramount importance. At times, students on and off-campus may need assistance. RRCC encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, as student who has been drinking underage might hesitate to help take a sexual misconduct victim to the Campus Police or Security). The college pursues a policy of limited immunity for students who offer help to others in need. This is not immunity from criminal prosecution. While policy and procedure violations cannot be overlooked, the college will provide educational options, rather than punishment, to those who offer their assistance to others in need.

#### 6. Parental Notification when Students are involved in an incident

The college reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The college may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is not-dependent, college will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The college also reserves the right to designate which college officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.

#### 7. Notification of Outcomes

Complainant(s) and Respondent(s) have an absolute right to be informed of the outcome, essential findings, the sanctions imposed if any, unless the college has a legitimate concern for the health, safety, or welfare of the college.



- Specifically, Complainant(s) in non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and relationship violence incidents have an absolute right to be informed of the outcome, essential findings, and sanctions of the hearing, in writing, without condition or limitation.
- The college may release publicly the name, nature of the violation and the sanction for any employee or student who is found in violation of a college policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The college will release this information to the complainant in any of these offenses regardless of the outcome.

#### 5. Alternative Testimony Options for Employees and Students

For sexual misconduct complaints, and other complaints of a sensitive nature, whether the alleged victim is serving as the complainant or as a witness, alternative testimony options will be given, such as placing a privacy screen in the hearing room, or allowing the alleged victim to testify outside the physical presence of the accused individual, such as by Skype. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the accused employee.

#### 9. Past Sexual History/Character of Employees and Students

The past sexual history or sexual character of a party will not be admissible by the other party in the investigation or hearing unless such information is determined to be highly relevant by the investigator. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance of the hearing by the Appointing Authority. While previous conduct violations by the accused employee are not generally admissible as information about the present alleged violation, the Appointing Authority may supply previous complaint information to the investigators, the conduct board, or may consider it him/herself if s/he is hearing the complaint, only if:

- 1) The accused was previously found to be responsible;
- 2) The previous incident was substantially similar to the present allegation;
- 3) Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.

### **Retaliatory Acts**

If any person who reports an incident of discrimination and/or harassment, or any person who testifies, assists or participates in a proceeding, investigation or hearing relating to such allegation of discrimination and/or harassment, feels they are being subjected to retaliatory acts may report such incidences to the EO or Title IX Coordinator.

It is a violation of this procedure to engage in retaliatory acts against any person who reports an incident of discrimination and/or harassment, or any person who testifies, assists or participates in a proceeding, investigation or hearing relating to such allegation of discrimination and/or harassment. Such act will be subject to discipline, up to and including expulsion for students, termination for CCCS employees, and dismissal for authorized volunteers, guests or visitors.



## **Revising this Procedure**

This procedure defines and prohibits harassment on the basis of federal and state law as interpreted by the courts. If statutory provisions, regulatory guidance, or court interpretations change or conflict with this policy, the college's procedure can be deemed amended as of the time of the decision, ruling or legislative enactment to assure continued compliance.

RRCC reserves the right to change any provision or requirement of this procedure at any time and the change shall become effective immediately.