PROCEDURE # II-001.8 (Page 1 of 32)
TITLE Title IX Sexual Harassment Procedure and Grievance Process

TYPE All Personnel - Procedures for General Policies and Compliance Issues
RATIONALE
APPROVED September 10, 2020

PROCEDURE

I. Overview of Policy and Procedure and the Values of Jefferson College

Jefferson College is committed to fostering an inclusive environment where all individuals are respected and empowered to achieve their goals. In pursuit of the mission, vision, and values of the College, as well as to be in compliance with all applicable local, state, and federal laws, this policy and procedure prohibits any form of discrimination on the basis of sex, inclusive of Sexual Harassment. Jefferson College is committed to providing a learning, working, and living environment where all persons are able to thrive personally, academically, and professionally.

The purpose of this policy and procedure is to clearly articulate to the Jefferson College community the expectations for behavioral standards, explain commonly used terms and concepts, provide examples and descriptions of prohibited conduct, and provide detailed information regarding every part of the process used when someone makes a report or files a formal complaint under this policy and procedure. The policy and the procedure within applies to all community members, including students, faculty, staff, contractors, and visitors. Any person who has been affected by any form of Sexual Harassment, Sexual Assault, Stalking, Dating Violence, or Domestic Violence, is strongly encouraged to make a report or speak to the Title IX Coordinator to learn more about options and resources available to them.

II. Scope of Policy and Procedure

Jefferson College does not discriminate on the basis of sex in its educational, extracurricular, athletic, other programs, or in the context of employment. Sex Discrimination and Sexual Harassment are prohibited by Title IX of the Education Amendments of 1972, stating that:

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

The Office for Civil Rights (OCR) within the United States Department of Education (DOE) has promulgated regulations implementing Title IX. Sex Discrimination and Sexual Harassment are also prohibited under Title VII of the Civil Rights Act of 1964 and other applicable statutes.

Jefferson College's Sexual Harassment Policy prohibits all forms of Sexual Harassment including Sexual Assault, Stalking, Dating Violence, and Domestic Violence against any Jefferson College community members of any sex, gender, gender identity, gender expression, or sexual orientation. Further, Jefferson College recognizes the many intersecting identities that make up each individual's lived experiences, and that harassment related to factors outside of gender, gender identity/expression, or sexual orientation can occur that are related to an individual's race, color, national origin, religion, age, disability, or other statuses. Harassment and discrimination that occurs against a person based on these characteristics violates College policy and community principles, specifically the College's Non-Discrimination policy. Matters that involve allegations of gender-based discrimination and allegations of identity-based discrimination described above will be handled by the College in accordance with the Non-Discrimination Policy.

Jefferson College will respond promptly, equitably, and thoroughly to all reports of Sexual Harassment in order to eliminate the harassment, prevent its recurrence, and address the effects or impacts on any individual(s) involved. This policy provides Jefferson College community members with information to assist those who have been impacted by Sexual Harassment regardless of their status as a Complainant, Respondent, Witness, or other participant/third-party, and provides for equitable procedures for reporting, investigation, and resolution of reports.

All Jefferson College community members are responsible for their actions and conduct, and are required to follow College policies as well as local, state, and federal laws. The Jefferson College Sexual Harassment Policy applies to conduct occurring on Jefferson College owned or controlled properties, at College-sanctioned events, educational programs or activities that take place off campus, including, but not limited to, study away (that occurs within the United States), internship programs, community-engaged learning, and athletics events. For the purposes of this policy, the conduct must fall within the parameters set forth in Section IV of this policy and procedures that define sexual harassment, occur on College owned or controlled property or within the College's educational program or activity off campus, and be committed against a person in the United States who is participating in or attempting to participate in the College's educational programs or activities. Conduct that occurs outside of these parameters may be addressed by other applicable College policies and procedures, including but not limited to, the Board of Trustees Policies and Procedures, Administrative Policies and Procedures, The Faculty Handbook, The Adjunct Faculty Handbook, Employee Handbooks, Academic program-specific Handbooks, the Student-Athlete Handbook, or Student Conduct policies and procedures. Upon receipt of a report that falls outside the scope of this Policy and Grievance Process, the Title IX Coordinator or their designee may refer the report to the appropriate College official or department to address the report.

III.

are not known to one another. These acts can be committed by person(s) of any sex, gender, or other identity, and it can occur between people of the same or different sex or gender identities.

Jefferson College prohibits the following types of conduct under this policy:

1. Sexual Harassment: Sexual Harassment is any conduct on the basis of sex that satisfies one or more of the following:

    a. An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;

(b) Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

(c) Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

ii. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim (Complainant). The ex8(gt4(b)-6(-(r)5(e(o)4(r)-243(in)4(tsu(ia)775(o)4

assault, rape, and statutory rape) can be found in RSMO.566. More information

participate in sexual activity. For the use of force to be demonstrated, there is no requirement that an individual resist the sexual advance or request, however, resistance will be viewed as a clear demonstration of non-consent.

Coercion is the use of unreasonable pressure that compels another individual to initiate or continue sexual activity against their will. Coercion can include a range of behaviors, including physical/emotional force, intimidation, manipulation, implied threats, misuse of authority, or blackmail which places a person in fear of immediate harm or physical injury that causes them to engage in undesired sexual activity. Continuing to pressure an individual who has made it clear that they do not want to engage in sexual activity or go beyond a certain point of sexual interaction may be considered coercive. When evaluating coercive behavior, factors such as the frequency, duration, location (in regard to potential isolation of the recipient of the unwanted sexual contact), and intensity of coercive behaviors will be considered.

Incapacitation - Incapacitation is a state where an individual is unable to make an informed decision to engage in sexual activity because they lack conscious knowledge of the nature of the act (an ability to understand the who, what, when, where, why, or how of the sexual interaction). An individual who is incapacitated is unable to provide effective consent. An individual who knows or who should have reasonably known under the circumstances that the individual(s) they are attempting to or have engaged in sexual activity with violates this policy if the behavior falls within the elements found in the Prohibited Conduct section of this policy. Behavior that may occur outside of the elements of Prohibited Conduct may be addressed by other College policies and procedures.

Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically unable to make informed, reasonable judgements. An individual is incapacitated, and therefore unable to provide effective consent, if they are asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, however, warning signs that a person may be approaching incapacitation include slurred speech, vomiting, diminished coordination, erratic behavior, combativeness, loss of consciousness, or emotional volatility. Evaluating incapacitation requires an assessment of how the consumption ofssk61-tilited in se241(to)-244(p)r ColTo

Evaluating incapacitation also requires an assessment of whether a person should have been aware of the other individual's (or individuals') incapacitation based on objectively and reasonable apparent indications of impairment when viewed from the perspective of a reasonable sober person. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the safest course of action is to forgo or cease any sexual contact or activity. Use of alcohol or drugs is never an excuse for a person to commit Sexual Harassment (inclusive of all forms of sexual assault, dating violence, domestic violence, and stalking under this policy) and does not diminish a person's responsibility to obtain informed, freely-given, and effective consent.

V. Reporting Prohibited Conduct

Jefferson College strongly encourages the prompt reporting of any incident of sexual or gender-based discrimination or harassment to the College. Because behavior that violates this policy may also be a violation of law, any individual who has been subjected to sexual assault or harassment is also encouraged to consider criminal or civil legal options. An individual may also file a complaint with the U.S. Department of Education's Office for Civil Rights, the Equal Employment Opportunity Commission and/or the Missouri Human Rights Commission.

Upon receipt of information alleging a violation of this Policy, the Jefferson College Title IX Coordinator (or Deputy Title IX Coordinator) will respond promptly to the Complainant to present options for filing a formal complaint, to discuss the availability of and implementation of supportive measures designed to preserve educational and/or program access (including safety options and options for reporting to law enforcement), as well as to discuss the investigation and grievance process. The Title IX Coordinator will take the victim/Complainant's wishes into account when presenting information and evaluating whether or not to file a formal complaint against the responding party (Respondent).

Jefferson College is committed to providing an educational, working, and living environment free of any form of sex discrimination and harassment. The College is unable to take actions to address sex discrimination and harassment if the actions are not reported to the appropriate parties. Therefore, all employees of the College, unless specifically designated as a Confidential Reporting -240(2)8(si)-8(g)14(n6(f)6(o)4(r)-24T(r)6(itle)-251(I

however, they may report non-identifying information to the Clery Officer for crime statistic purposes. Both individuals are located on the second floor of the Student Center.

Dr. Michael Booker
Associate Dean, Humanities
Office Location: ASI, Room 110
Phone/Email: 636-481-3312/mbooker@jeffco.edu

Privacy and Confidentiality in Reporting Prohibited Conduct

Jefferson College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individuals who have made a report or filed a formal complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by:

- the FERPA (Family Educational Rights and Privacy Act) statute or FERPA regulations;
- requirements of law; or
- to carry out the purposes of the regulations of Title IX, including the investigation, hearing, or judicial proceeding arising as a result of allegations of sex discrimination or Sexual Harassment.
- In cases where a formal complaint has been filed, disclosures of identities are necessary in order to provide the proper notice as required under federal regulations. However, in all cases the disclosure of personally identifiable information will be conducted with the utmost attention to the privacy of the individuals involved.

The Intersection of Title IX and The Clery Act

campus community members) to protect the health or safety of the community and to heighten safety awareness. The timely warning will not include any identifying information about the Complainant. The College reserves the right to send campus-wide notifications on a report of Sexual Harassment in compliance with timely warning regulations.

The Grievance Process at Jefferson College is conducted in compliance with the requirements of FERPA, Title IX, the Clery Act, the Violence Against Women Act, state law, federal law, and College policy. No information shall be released from these proceedings except as required or permitted by law and College policy.

Emergency Removals - Where a report of Sexual Harassment (inclusive of sexual assault, domestic violence, dating violence, or stalking as defined in this policy) poses a substantial and immediate threat of harm to the physical health or safety of an individual or members of the College community, the College may place a student, employee, or student organization on an Emergency Removal. If an Emergency Removal is imposed, the individual(s) or organization may be denied access to any or all campus properties, campus facilities, and/or all other College activities or privileges for which the individual(s) or organization might otherwise be eligible. Where possible and academically feasible, the College will assist the Respondent in making alternative arrangements to continue and/or complete coursework. Specific guidelines for the restrictions will be communicated to the Respondent in writing when they are notified of the Emergency Removal. When an Emergency Removal is imposed, the College will make reasonable efforts to complete the investigation and full grievance process within an expedited time frame, barring any other circumstances that may lengthen any part of the grievance process.

The following steps will be taken with regard to Emergency Removals for Respondents under this Policy:

1. Prior to an Emergency Removal taking place, the College will undertake an individualized safety and risk analysis to determine whether or not there is an immediate threat to the physical health or safety of any student, employee, or other individual arising from the allegations of Sexual Harassment that justifies a removal.
2. The individualized safety and risk analysis may be performed by the Jefferson College Care Team, a licensed mental health counselor, or other third-party designated by the College with experience to conduct such assessments.
3. Should the Emergency Removal or Administrative Leave be implemented following an individualized safety and risk analysis, the Respondent(s) shall be provided with Notice of the Emergency Removal Order/Administrative Leave Order and an opportunity to challenge the decision following the removal.

4. The opportunity to present a challenge to the removal shall be completed as soon as possible in light of the circumstances.
5. For student Respondents, the challenge to an Emergency Leave Removal will be heard by the President or their designee.
6. For employee Respondents, the challenge to an Emergency Leave Removal will be heard by the Senior Director of Human Resources, the Vice President of Academic Affairs, or their designee.
7. The challenge or appeal of the Emergency Removal process shall be the same for students, staff, and faculty. A Respondent may respond to the Removal by presenting information, evidence, written information, and/or facts that support their challenge. The challenge will be heard face to face (meaning it may be done remotely provided the participants are able to see and/or hear each other in real time). The Respondent will have an opportunity to present their information and answer questions from the person who is hearing their challenge.
8. The person who is hearing the Respondent's challenge will then consider the information that has been provided to them in making their decision. The decision-maker has the discretion to speak to other parties who were involved in the Emergency Removal in making their decision. The decision-maker will provide a decision to the Respondent, in writing, as soon as possible within the existing circumstances. This decision is final.

VI. Supportive Measures

Supportive Measures are non-disciplinary, non-punitive measures put in place to assist any party impacted by Sexual Harassment in order to restore or preserve their e-85i(T)-5ums decisaking-

JEFFERSON COLLEGE SUPPORTIVE MEASURES
COMTREA on campus mental health services for students: Contact 636-481-3215 to schedule an appointment and/or email counseling@jeffco.edu.
On-Campus Victim Advocate for students: Contact 636-481-3267 to schedule an appointment and/or email alowery3@jeffco.edu.
Central Methodist University Clinical Counseling Services for students (virtual appointments): Email cccjeffco@centralmethodist.edu to schedule an appointment.
Personal Assistance Services for full-time employees: https://www.jeffco.edu/employee-resources/pas-employee-assistance-program
Jefferson College Police Department: Safety escorts may be provided as well as support for overall safety concerns. Contact 636-481-3500 or 911 in an emergency.
Academic Success Center: Located on the first floor of the Technology Center on the Hillsboro campus, staff in the ASC can assist students with tutoring, test preparation, and writing skills. ASC also has resources at the Arnold/Imperial locations, and via online services.
Student Financial Services: Located on the first floor of the Student Center, Student Financial Services staff can assist a student with questions or concerns related to their financial aid packages.
Accessibility Resource Office: Located on the first floor of the Technology Center, staff in ARO can assist students who may wish to learn more about disability accommodations on campus.
Residential Life accommodations (when applicable): This may include a room or apartment change, space permitting.
Reciprocal No Contact Orders: Either party may request a No Contact Order at any point in the process or in the absence of a formal complaint. No Contact Orders are reciprocal, non-punitive administrative orders from the school designed to preserve all parties' access to educational and employment opportunities.
Change of Class Schedule or other academic arrangements: Either party may request or be assigned a class schedule change as available. Other academic accommodations may be implemented in conjunction with the Title IX Coordinator and Instructional staff/faculty.
Change of Working environment: In conjunction with Human Resources and the Title IX Coordinator, employees (including student workers) may receive supportive measures within the working environment in order to maximize safety and minimize disruption.
Mercy Clinic to address health needs (virtual appointments): Contact 636-543-2290
Supportive Measures on campus can be implemented in conjunction with or in the absence of a formal complaint, and are available to any impacted party, including Complainants, Respondents, Witnesses, or other third-parties. For more information on support at Jefferson College, please visit: https://www.jeffco.edu/titleIX/Support-Measures.

COMMUNITY RESOURCES – the Title IX Coordinator may refer a person to any of these community resources in order to provide additional support as needed.
Behavioral Health Response Hotline: BHR provides confidential telephone counseling to people in mental health crises as well as mobile outreach services, community referral services and critical incident stress management (CISM). BHR's crisis hotline and mobile outreach services are provided free of charge to the public by paid professional staff who have master's degrees in their respective behavioral science disciplines. 1-800-811-4760 http://bhrstl.org/
The Trevor Project: National organization providing crisis intervention, resources and suicide prevention services to LGBTQ young people ages 13-24. 866-488-7386 (24/7) www.thetrevorproject.org
Trans Lifeline Hotline: 877-565-8860 A grassroots hotline and micro grants non-profit organization offering direct emotional and financial support to trans people in crisis - for the trans community, by the trans community.

Domestic Violence Shelter and support in Jefferson County: A Safe Place, COMTREA 636-232-2301, htt

For questions or concerns related to Immigration: United States Citizenship and Immigration Services Department offers assistance for those seeking citizenship, green cards, and authorization to work in the United States. www.uscis.gov
Any person desiring more information on College or community resources in the aftermath of any form of sexual assault or sexual harassment is strongly encouraged to contact the Title IX Coordinator at 636.481.3258 and/or make a report to local law enforcement.

VII. Filing a Formal Complaint and Initiating the Grievance Process

a. Filing a Formal Complaint - Any person may make a report of behavior that they believe to fall under this Policy and Procedures. This includes any student, faculty member, staff member, parents or legal guardians of a student, or a third-party not directly affiliated with the College. Upon receiving a report, the Title IX Coordinator will communicate with the Complainant to discuss all options, resources, and supportive measures available to them (supportive measures are available regardless of whether or not a formal complaint is filed) as the person who is reported to have experienced the Sexual Harassment. The Complainant's wishes with regard to filing a formal complaint will be taken into account, and the Title IX Coordinator will work with College resources to implement supportive measures as requested or needed.

In cases where the identity of the Complainant is either not known or has not been disclosed, the Title IX Coordinator or their designee will make reasonable efforts to ascertain the identity of the Complainant. The College is unable to act on a formal complaint for anonymous parties or in the absence of the knowledge of the identity of the Complainant. A formal complaint may be filed in one of two ways:

1. The Complainant can choose to initiate the formal complaint and grievanm/f-2-0,thile11re.6(f)-v8mpe

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a person in the United States, then the school must dismiss the formal complaint with regard to that conduct for the purposes of this policy.

5. In cases of mandatory or discretionary dismissals of formal complaints (whether in whole or part), Jefferson College reserves the right to address the conduct under other applicable policies and procedures, including but not limited to Board of Trustee Policies and Procedures, Human

1. Procedural Irregularity: There was a procedural irregularity that affected the decision to dismiss the formal complaint.
2. New Information/Evidence: There is new information that was not reasonably available at the time the determination regarding dismissal was made, and the information is such that it could affect the outcome of the matter.
3. Conflict of Interest or Bias on the part of persons involved in the process: The Title IX Coordinator, Investigator(s), and/or other Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent and it affected the outcome of the matter.

Once an appeal is filed by either party, the Title IX Coordinator will notify the other party in writing that an appeal has been filed and implement appeal procedures equally for both parties. Appeal procedures are as follows:

1. Appeals are to be submitted in writing to the Title IX Coordinator by the deadline specified in Notification of a Dismissal of Formal Complaint, which will be set at five (5) College business days from the date of issuance of the notification.
2. Either party may submit an appeal on the bases listed above. More than one appeal base may be used in an appeal.
3. The Title IX Coordinator will notify the other party of the presence of an appeal, if applicable.
4. The party or parties will have an equal opportunity to submit, in writing, a statement of support of the outcome or a challenge of the decision.
5. The Title IX Coordinator will ensure that the person(s) hearing the appeal were not involved in the Complaint Dismissal decision. Persons who hear an appeal under this policy may be persons within the College community or third parties ihip(m)4(a)-85Td6(f)PnddeCollege c, insina-241(b)4(a)7rdi244(w)8(r)5(it

Title IX Coordinator will notify both parties of any delay or extension of time within this process.

8. The appeal body's written outcome letter will be delivered to both parties via electronic message simultaneously.
9. The decision of the appeal body is final.

VIII. Grievance Process

Once the procedures outlined in Section VII above have been implemented in order to file a formal complaint, the Grievance Process has been initiated and the following actions will take place.

a. Notification of Formal Complaint and Investigation - The Title IX Coordinator or their designee will select a trained Investigator (or Investigators) from within or external to the Jefferson College community. The Title IX Coordinator or designee will assess any Investigator(s) chosen to make sure that they are free of bias or conflict of interest.

The Investigator will review the formal complaint and provide a Notice of Formal Complaint and Investigation to both the Complainant and Respondent. This Notice will contain, but is not limited to, the following elements:

1. Information about the grievance process;
2. Notice of the allegations of Sexual Harassment that potentially align with the definition(s) found in this Policy and Procedures;
3. Sufficient details, including the identities of the parties involved in the incident (if known), the conduct reportedly constituting Sexual Harassment, and the date and location of the reported incident (if known);
4. A statement that the Respondent is presumed not responsible for the reported conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
5. Information regarding the rights of both parties to have any one (1) Advisor of their choosing, who may be but is not required to be an attorney (at their own expense), present with them at any meeting, hearing, or other proceeding under this policy and procedures;
6. Information regarding both parties' (and their Advisor's) rights to review and inspect information gathered during the investigation as well as prior to any hearing; and
7. Notice that if, during the course of the investigation, the Investigator(s) choose to investigate allegations about the Complainant or the Respondent that were not included in the initial Notice, that they will provide notice of the additional allegations to the parties whose identities are known.

b. Investigation Procedures - The investigation is designed to provide a fair, thorough, and impartial gathering of facts. All individuals participating in an investigation will be treated with respect. The College will seek to complete an investigation within sixty (60) College business days of providing Notice of the Investigation, but this time frame may be extended depending on the individual circumstances of each report.

At the request of local law enforcement, the College may agree to defer for a short time its fact gathering until after the initial stages of a criminal investigation. The College will promptly resume its fact gathering as soon as it is informed that local law enforcement has completed its initial investigation.

At all times the burden of proof and gathering evidence or information sufficient to reach a determination of responsibility (based on the preponderance of the evidence standard) is upon the College and not on the parties themselves.

assist in the scheduling, coordination, and implementation of a live hearing, as set forth below and in subsequent sections:

1. Hearings shall be conducted live. A hearing may be conducted with parties in remote locations or virtually, provided that the parties are able to see and hear each other simultaneously. The Complainant and Respondent are not required to be in the same room during a hearing provided the conditions for viewing and hearing simultaneously are met as stated above.

The Hearing Officer(s) may evaluate and consider all relevant evidence, including but not limited to, statements by parties or witnesses during the investigation, information presented by parties or witnesses at the hearing, information contained in the investigation report, and information gathered during the investigation. This could also include police reports, Sexual Assault Nurse Examiner documents, medical reports, text messages, social media posts or messages, or other documents. When making the determination on responsibility, the Hearing Officer(s) may determine the weight to give statements and evidence based on the reliability and/or credibility of the statements and evidence.

The Hearing Officer, when formulating their determination regarding responsibility, is not permitted to make a finding or draw an inference regarding responsibility based solely on a party or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

h. Record of Hearing - Jefferson College will create an audio recording of a live

1. Identification of the allegations potentially constituting Sexual Harassment under this Policy and Procedures.
2. Description of the procedural steps taken from the receipt of the formal

- Remedies: Remedies are measures designed to restore or preserve a Complainant's equal access to Jefferson College's education program or activity following the conclusion of a grievance process where the Respondent has been found responsible for a violation (or violations) of this policy. Remedies may include a continuation of supportive measures for a Complainant that were put in place prior to or during the grievance process. Remedies may also be disciplinary actions or sanctions that are

1. Investigation Process: 60 College business days.
2. First required review and response period following investigation: 10 College business days. The Investigator may choose to follow up on information provided during this review and response period (including additional witness interviews if needed), which may lengthen this timeframe.
3. Second required review and response period following finalization of report in advance of the live hearing: 10 College business days
4. Hearing Determination: the Hearing Officer has 15 College business days following the conclusion of the live hearing to provide their written decision.
5. Appeal period: the parties have 10 College business days to submit a written appeal following the issuance of a determination letter.
6. Appeal body evaluation of appeal and issuance of written decision: The appeal body has 15 College business days to review materials and issue a written decision letter.

IX. Retaliation Prohibited at Jefferson College

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege under Title IX or this policy. Retaliation includes, but is not limited to, words or actions that intimidate, threaten, coerce, or discriminate against someone whole or in part because an individual has:

- Made a report or filed a complaint alleging misconduct under this policy;
- Provided information, statements, or other information for an investigation;
- Assisted in or participated in any part of the grievance or hearing process;
- Refused to participate in any part of an investigation, grievance, or hearing process; or who has
- Exercised other rights under this policy.

Note: The exercise of First Amendment/free speech rights is not considered Retaliation under this polBT25nc

have occurred at the same time or in close proximity to the time of the reported incident of Sexual Harassment for the purpose of dissuading the individual from filing a formal complaint.

Jefferson College expects all members of our community to participate in the process of creating a safe, welcoming, and respectful environment on campus and in campus programs and activities. In particular, the College expects that Jefferson College community members will be active bystanders and will take reasonable and safe actions to prevent or stop an act of Sexual Harassment should they witness one. Taking action could include, but is not limited to, direct intervention when it is safe for one to do so, enlisting the assistance of friends or other persons to assist, and/or contacting or seeking support from person(s) in authority. Community members who choose to take these actions will be supported by the College and protected from retaliation as well as from policy violations that may have been present during the situation, such as underage alcohol use or drug use.

Complaints alleging Retaliation may be filed and will be addressed using the College's Non-Discrimination policy and procedures.

X. Record-Keeping Procedures

Jefferson College will maintain for a period of at least seven years records of the following type related to the information found in this policy and procedures:

- Every Sexual Harassment investigation including any determination regarding responsibility, as well as any audio recording or transcript in according with federal regulations.
- Records related to disciplinary sanctions assigned to Respondents, and remedies that have been provided to a Complainant that are designed to restore or preserve equal access to educational programs or activities.
- Records related to any appeal[]-2517(Re4-01T-7(g)-234(ts)-246(r)6(e)65ll)-248(bm)4(e)-241(o)4

process including hearings and appeals. Training will also encompass how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

- Hearing Officers will receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
- Investigators will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- Any materials used to train Title IX Coordinators, Deputy Title IX Coordinators, Investigators, Hearing Officers, and Appeal body members must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of Sexual Harassment.

- Records related to reports of sex discrimination or Sexual Harassment along with records of any actions, including supportive measures, that were taken in response to the report or formal complaint (if a formal complaint was filed). Records must include a basis for the conclusion that the College's response was not deliberately indifferent. If no supportive measures were provided, documentation will reflect the rationale for this in light of the known circumstances.

XI. Confidentiality of Records

Jefferson College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination or Sexual Harassment, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) or as required by law, or in order to carry out the purposes of this policy and procedures such as conducting any investigation, hearing, or other part of the grievance process.

BOARD MONITORING

Deans, Vice Presidents, and Human Resources