

AR 3434 Responding to Sex Discrimination under Title IX

References:

20 U.S. Code Sections 1681 et seq.;
34 Code of Federal Regulations Parts 106.1 et seq.
BP 3433

Introduction

Tillamook Bay Community College encourages members of the Tillamook Bay Community College community to report sex discrimination including sex-based harassment. This procedure only applies to conduct defined as sex discrimination under Title IX and applicable federal regulations and that meets Title IX jurisdictional requirements. Tillamook Bay Community College will respond to sex discrimination including sex-based harassment that falls outside that definition and outside the jurisdiction of the Title IX federal regulations using State law and applicable Tillamook Bay Community College policies and procedures. In implementing these procedures discussed below, Tillamook Bay Community College will also provide supportive measures, training, and resources in compliance with State law, unless they are preempted by the Title IX regulations.

Title IX Coordinator

Questions concerning Title IX may be referred to the Tillamook Bay Community College Title IX Coordinator. Tillamook Bay Community College's Title IX Coordinator is:

Britta Lawrence
Executive Director of Advancement and TBCC Foundation
Office 112, Main Bldg.
4301 Third Street
Tillamook, OR 97141
503-842-8222, ext. 1026
brittalawrence@tillamookbaycc.edu

The Title IX Coordinator is required to respond to reports of sex discrimination including sex-based harassment. The Title IX Coordinator will handle information received with the utmost discretion and will share information with others on a need-to-know basis. For example, the Title IX Coordinator may need to address public safety concerns on campus, comply with State and federal legal requirements, or share information to implement supportive measures.

A report of sex discrimination including sex-based harassment to the Title IX Coordinator does not necessarily lead to a full investigation, as discussed more fully below. However, the Title IX Coordinator will evaluate a Complaint to determine whether to investigate a Complaint pursuant to these procedures.

Jurisdictional Requirements – Application of Procedures

These procedures apply if the conduct meets the following jurisdictional requirements:

- The conduct took place in the United States;
- The conduct meets the definition of Title IX sex discrimination and
- The conduct took place in a Tillamook Bay Community College “education program or activity.” This includes locations, events, or circumstances over which the Tillamook Bay Community College exercised substantial control over both the Respondent and the context in which the harassment occurred, including on-campus and off-campus property and buildings Tillamook Bay Community College owns or controls, or property owned or controlled by student organizations officially recognized by the Tillamook Bay Community College; or
- The conduct contributes to a hostile environment in the Tillamook Bay Community College’s education program or activity in the United States.

Definitions

Advisor: Throughout the grievance process, both the Complainant and Respondent have a right to an Advisor of their choice. Tillamook Bay Community College may establish restrictions regarding the extent to which the Advisor may participate in the proceedings as long as the restrictions apply equally to both parties.

Parties have the right to consult with an attorney, at their own expense, at any stage of the grievance process if they wish to do so. An attorney may serve as an advisor.

Complainant: A Complainant is (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in Tillamook Bay Community College’s education program or activity at the time of the alleged sex discrimination.

Complaint: An oral or written request to the recipient that objectively can be understood as a request for the Tillamook Bay Community College to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Consent: Consent means an affirmative, conscious, and voluntary agreement to engage in sexual activity.

Decision-Maker: The person who will question the parties and witnesses and make a determination of whether sex discrimination occurred.

NOTE: Tillamook Bay Community College may have one Decision-Maker determine whether the Respondent is responsible for sex discrimination and another Decision-Maker determine the appropriate level of disciplinary sanctions for the conduct.

Disciplinary sanctions: Consequences imposed on a respondent following a determination under Title IX or its regulations that the Respondent violated Tillamook Bay Community College’s

prohibition on sex discrimination.

Investigator: The person responsible for gathering evidence in order to (1) determine if the sexual harassment allegations meet Title IX standards, and (2) provide the Decision-Maker with evidence with which to base the written determination of responsibility at the end of the grievance procedure. The Investigator may be an employee of the College, even the Title IX Coordinator, but cannot also be the Decision-Maker. The Investigator may also be an external person contracted by the College to complete the investigation.

Parties: As used in this procedure, this means the Complainant and Respondent.

Relevant: Related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when the question seeks evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged sex discrimination occurred.

Remedies: Measures provided, as appropriate, to a complainant or any other person Tillamook Bay Community College identifies as having had their equal access to Tillamook Bay Community College's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to Tillamook Bay Community College's education program or activity after Tillamook Bay Community College determines that sex discrimination occurred.

Respondent: A Respondent is a person who is alleged to have violated Tillamook Bay Community College's prohibition on sex discrimination.

Retaliation: Intimidation, threats, coercion, or discrimination against any person by Tillamook Bay Community College, a student, or an employee or other person authorized by Tillamook Bay Community College to provide aid, benefit, or service under Tillamook Bay Community College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based Harassment under Title IX: A form of sex discrimination. Sex-based harassment includes sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity that satisfies one or more of the following:

- **Quid pro quo harassment.** An employee, agent, or other person authorized by Tillamook Bay Community College to provide an aid, benefit, or service under Tillamook Bay Community College on a participation in unwelcome sexual conduct;
- **Hostile environment harassment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe, or pervasive, that it limits or denies a person's ability to participate in or benefit from Tillamook Bay Community College's education program or activity

(i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the Complainant's ability to access Tillamook Bay Community College's education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within Tillamook Bay Community College's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in Tillamook Bay Community College's education program or activity;
- **Sexual assault**, including the following:
 - **Sex Offenses.** Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.
 - **Rape** (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, includes instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - **Statutory Rape.** Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
 - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
 - **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence.** Violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Oregon; or
- By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of the state of Oregon.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Supportive measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- Restore or preserve that party's access to **Tillamook Bay Community College's** education program or activity, including measures that are designed to protect the safety of the parties or **Tillamook Bay Community College's** educational environment; or
- Provide support during **Tillamook Bay Community College's** grievance procedures or during an informal resolution process.

Grievance Procedures for Complaints of Sex Discrimination under Title IX

(For Complaints of sex-based harassment involving students, see the section entitled, "Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Parties.")

Who May File a Complaint

The following people have a right to make a Complaint of sex discrimination, including Complaints of sex-based harassment, requesting that **Tillamook Bay Community College** investigate and make a determination about alleged discrimination under Title IX:

- A "complainant," which includes:
 - A student or employee of **Tillamook Bay Community College** who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - A person other than a student or employee of **Tillamook Bay Community College** who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in **Tillamook Bay Community College's** education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The **Tillamook Bay Community College** Title IX Coordinator.

With respect to Complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a Complaint:

- Any student or employee of **Tillamook Bay Community College**; or
- Any person other than a student or employee who was participating or attempting to participate in **Tillamook Bay Community College's** education program or activity at the time of the alleged sex discrimination.

Consolidation of Complaints

Tillamook Bay Community College may consolidate Complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Removal of Respondent Pending Final Determination

Upon receiving a report of sex discrimination, TBCC will make an immediate assessment concerning the health and safety of the Complainant and campus community as a whole. Tillamook Bay Community College has the right to order emergency removal of a Respondent, or if the Respondent is an employee, place the employee on administrative leave.

Emergency Removal

Tillamook Bay Community College may remove a non-employee Respondent from Tillamook Bay Community College's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other individual arising from the allegations of sex discrimination justifies removal.

Tillamook Bay Community College's Executive Director of Facilities and Safety or designee will conduct the individualized safety and risk analysis.

If the Executive Director of Facilities and Safety determines emergency removal is appropriate, they or designee will provide the person Tillamook Bay Community College is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of their removal. The Executive Director of Facilities and Safety or designee will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

Administrative Leave

Tillamook Bay Community College may place a non-student employee Respondent on administrative leave during the pendency of a grievance process described below. Tillamook Bay Community College will follow any relevant policies, procedures, collective bargaining agreements, or State law in placing an employee on administrative leave.

Basic Requirements of Title IX Grievance Procedures for Complaints of Sex Discrimination

Tillamook Bay Community College will treat complainants and respondents equitably.

Tillamook Bay Community College requires that any Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against complainants or respondents

generally or an individual Complainant or Respondent. As long as there is no conflict of interest or bias, a decision-maker may be the same person as the Title IX Coordinator or investigator.

Tillamook Bay Community College presumes that the Respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Timeframes and Extensions

Tillamook Bay Community College has established the following timeframes for the major stages of the grievance procedures:

- **Complaint evaluation:** Tillamook Bay Community College will determine whether to dismiss or investigate a Complaint within 15 business days.
- **Complaint investigation:** Tillamook Bay Community College will complete an adequate, reliable, and impartial investigation of Complaints within 120 calendar days.
- **Questioning the Parties and Witnesses:** Tillamook Bay Community College will complete the process that enables the Decision-Maker to question the Parties and Witnesses no later than 30 calendar days after the date that the investigation concludes.
- **Determination Whether Sex Discrimination Occurred:** Tillamook Bay Community College will issue a written determination whether sex discrimination occurred no later than 30 business days after the date that the Decision-Maker completes the process that enables the Decision-Maker to question the Parties and Witnesses.
- **Appeal** (if any): A Complainant or Respondent may submit a written appeal no later than 7 business days from the date of the notice of determination whether sex discrimination occurred or from the date of Tillamook Bay Community College's notice of dismissal of a Complaint or any allegations. If a Complainant or Respondent submits an appeal to Tillamook Bay Community College, Tillamook Bay Community College will notify the other Party in writing within 5 business days of receiving a Party's appeal and allow the non-appealing Parties at least 10 business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome. The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 45 calendar days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the timeline(s) identified in the preceding paragraph to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for breaks or vacations, or due to the complexity of the investigation. Tillamook Bay Community College will provide notice of this extension to the Parties in writing and include the reason for the delay and anticipated timing of completion. A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping.

Privacy

Tillamook Bay Community College will take reasonable steps to protect the privacy of the Parties and Witnesses during its grievance procedures. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The Parties cannot engage in retaliation, including against Witnesses.

Evidence

Tillamook Bay Community College will objectively evaluate all evidence that is relevant and otherwise permissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by **Tillamook Bay Community College** to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether the evidence or question is relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or Witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or Witness, unless **Tillamook Bay Community College** obtains that Party's or Witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations

Upon initiation of these grievance procedures, Tillamook Bay Community College will notify the Parties of the following with sufficient time for the Parties to prepare a response before any initial interview:

- Tillamook Bay Community College's Title IX grievance process and any informal resolution process;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The Parties are entitled to an equal opportunity to access the relevant and otherwise permissible evidence or an accurate description of this evidence.

If, during an investigation, Tillamook Bay Community College decides to investigate allegations of sex discrimination by the Respondent toward the Complainant that are not included in the written notice provided or that are included in a consolidated Complaint, **Tillamook Bay Community College** will provide notice of the additional allegations to the Parties.

Dismissal of a Complaint

Tillamook Bay Community College may dismiss a Complaint of sex discrimination if:

- **Tillamook Bay Community College** is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in **Tillamook Bay Community College's** education program or activity and is not employed by **Tillamook Bay Community College**;
- The Complainant voluntarily withdraws in writing any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and **Tillamook Bay Community College** determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- **Tillamook Bay Community College** determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the Complaint, **Tillamook Bay Community College** will make reasonable efforts to clarify the allegations with the Complainant.

If Tillamook Bay Community College dismissed the Complaint or any allegations, the Title IX Coordinator shall simultaneously provide the Parties with written notice of the dismissal and reason. Tillamook Bay Community College will also notify the Parties of their right to appeal. Upon dismissal, Tillamook Bay Community College will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then Tillamook Bay Community College will notify the Parties of the dismissal and the basis for the dismissal simultaneously in writing.

Tillamook Bay Community College may commence proceedings under other policies and procedures after dismissing a formal Complaint.

Tillamook Bay Community College will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then **Tillamook Bay Community College** will also notify the Respondent that the dismissal may be appealed.

Appeal of Dismissal of Complaint

A Complainant may appeal the dismissal of a Complaint or any allegations on the following bases no later than **7 business days from the date of the Tillamook Bay Community College's notice of dismissal of a Complaint or any allegations**:

- Procedural irregularity that would change the outcome;

- New evidence that would change the outcome and that was not reasonably available when **Tillamook Bay Community College dismissed the Complaint**; and
- The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

If the Complainant appeals the dismissal of the Complaint or any allegations, **Tillamook Bay Community College** will:

- Notify the Parties of any appeal within 5 business days of receiving the Complainant's appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Allow the Respondent at least 10 business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome;
- Implement appeal procedures equally for the Parties;
- Ensure that the Decision-Maker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint;
- Ensure that the Decision-Maker for the appeal has been trained consistent with the Title IX regulations; and
- Notify the Parties of the result of the appeal and the rationale for the result within 45 calendar days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response.

If a Complaint is dismissed, **Tillamook Bay Community College** will:

- Offer supportive measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within **Tillamook Bay Community College's** education program or activity.

Role of Advisor

The role of the Advisor is to provide support and assistance in understanding and navigating the grievance process.

The Advisor may not obstruct an interview or disrupt the process. The Title IX Coordinator has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this procedure.

Confidentiality Agreements

To protect the privacy of those involved, the Parties and Advisors are required to sign a confidentiality agreement prior to attending an interview or otherwise participating in Tillamook Bay Community College's grievance process. The confidentiality agreement restricts unauthorized

disclosure of information and evidence obtained solely through the grievance procedure. The confidentiality agreement will not restrict the ability of either Party to discuss the allegations under investigation.

Investigation

Tillamook Bay Community College will provide for adequate, reliable, and impartial investigation of Complaints.

Burden of Gathering Evidence

The burden is on **Tillamook Bay Community College**—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Opportunity to Present Witnesses and Evidence

Tillamook Bay Community College will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and otherwise permissible.

Evidence

Tillamook Bay Community College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Tillamook Bay Community College will provide each Party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and otherwise permissible, in the following manner:

- **Tillamook Bay Community College** will provide an equal opportunity to access either the relevant and otherwise permissible evidence, or an accurate description of this evidence.
- **Tillamook Bay Community College** will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- **Tillamook Bay Community College** will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses

Tillamook Bay Community College will provide a process that enables the Decision-Maker to question Parties and Witnesses to adequately assess a Party's or Witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

Tillamook Bay Community College will use the following steps to complete this process:

The Decision-Maker will request the Parties participation in meetings to question the Party and invite the Parties to submit questions for the Decision-Maker's consideration when meeting with the Parties. The Decision-Maker will schedule and conduct separate meetings with the Parties. The meetings will be in-person or with technology enabling the Party and Decision-Maker to see and

hear each other in real time. During each meeting, the Decision-Maker will ask questions of the Party and allow the Party to comment on the evidence collected during the investigation. The Decision-Maker may meet with a Party more than once, based on the Decision-Maker's judgment. The Decision-maker will meet with other witnesses, if needed based on the Decision-Maker's judgment.

Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and otherwise permissible evidence, **Tillamook Bay Community College** will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the Decision-Maker to evaluate relevant and otherwise permissible evidence for its persuasiveness. If the Decision-Maker is not persuaded by a preponderance of the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the Decision-Maker will not determine that sex discrimination occurred.
- Notify the Parties simultaneously in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the Complainant and Respondent to appeal;
- Not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to the Complainant and other people **Tillamook Bay Community College** identifies as having had equal access to **Tillamook Bay Community College's** education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on the Respondent, including notification to the Complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within **Tillamook Bay Community College's** education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against the Respondent; and
- Not discipline a Party, Witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Determinations

Tillamook Bay Community College offers the following process for appeals from a determination whether sex discrimination occurred: A Party may appeal the determination whether sex discrimination occurred on the following bases no later than **7 business days from the date of the Tillamook Bay Community College's notice of determination whether sex discrimination**

occurred:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when **Tillamook Bay Community College dismissed the Complaint**; and
- The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

If a Party appeals the determination whether sex discrimination occurred, **Tillamook Bay Community College** will:

- Notify the Parties of any appeal within 5 business days of receiving the Party's appeal;
- Allow the non-appealing Party at least 10 business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the determination;
- Implement appeal procedures equally for the Parties;
- Ensure that the Decision-Maker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint;
- Ensure that the Decision-Maker for the appeal has been trained consistent with the Title IX regulations; and
- Notify the Parties of the result of the appeal and the rationale for the result within 45 calendar days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response.

Informal Resolution

In lieu of resolving a Complaint through **Tillamook Bay Community College's** Title IX grievance procedures, the Parties may instead elect to participate in an informal resolution process.

Tillamook Bay Community College does not offer informal resolution to resolve a Complaint when such a process would conflict with Federal, State, or local law. **Tillamook Bay Community College** will inform the Parties in writing of any informal resolution process it offers and determines is appropriate, if any. Before the initiation of an informal resolution process, Tillamook Bay Community College will explain in writing to the Parties:

- The allegations;
- The requirements of the informal resolution process;
- That any Party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the Parties agree to a resolution at the end of the informal resolution process, the Parties cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- What information Tillamook Bay Community College will maintain and whether and how Tillamook Bay Community College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Supportive Measures

Tillamook Bay Community College will offer and coordinate supportive measures as appropriate for the Complainant and Respondent to restore or preserve that person's access to **Tillamook Bay Community College's** education program or activity or provide support during **Tillamook Bay Community College's** Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, Tillamook Bay Community College-provided housing, or extracurricular or any other activity, regardless of whether there is a comparable alternative; and training and education programs related to sex-based harassment.

Disciplinary Sanctions and Remedies

Following a determination that sex discrimination occurred, **Tillamook Bay Community College** **may** impose disciplinary sanctions or any other actions that are not supportive measures against the Respondent. The action will be prompt, effective, and commensurate with the severity of the offense.

Possible disciplinary sanctions for student respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay, demotion, suspension, or discharge.

Tillamook Bay Community College may also provide remedies, which may include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a Complainant, if a student, to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant's discipline.

Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Parties

(For complaints of sex discrimination not including sex-based harassment involving students or complaints of sex-based harassment not involving students, see the preceding section entitled, "Grievance Procedures for Complaints of Sex Discrimination under Title IX.")

Introduction

Tillamook Bay Community College has adopted the following Title IX grievance procedures that provide for the prompt and equitable resolution of complaints of sex-based harassment involving a student complainant(s) or a student respondent(s).

Who May File a Complaint

The following people have a right to make a Complaint of sex-based harassment, requesting that **Tillamook Bay Community College** investigate and make a determination about alleged sex-based harassment under Title IX:

- A “complainant,” which includes:
 - A student or employee of **Tillamook Bay Community College** who is alleged to have been subjected to conduct that could constitute sex-based harassment under Title IX; or
 - A person other than a student or employee of **Tillamook Bay Community College** who is alleged to have been subjected to conduct that could constitute sex-based harassment under Title IX at a time when that individual was participating or attempting to participate in **Tillamook Bay Community College’s** education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or
- **Tillamook Bay Community College’s** Title IX Coordinator.

Note that a person is entitled to make a Complaint of sex-based harassment only if they are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a Complaint consistent with Title IX regulations.

Consolidation of Complaints

Tillamook Bay Community College may consolidate Complaints of sex-based harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex-based harassment arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Removal of Respondent Pending Final Determination

Upon receiving a report of sex harassment, TBCC will make an immediate assessment concerning the health and safety of the Complainant and campus community as a whole. Tillamook Bay Community College has the right to order emergency removal of a Respondent, or if the Respondent is an employee, place the employee on administrative leave.

Emergency Removal

Tillamook Bay Community College may remove a non-employee Respondent from the District’s education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other individual arising from the allegations of sex-based harassment justifies removal.

Tillamook Bay Community College's Executive Director of Facilities and Safety or designee will conduct the individualized safety and risk analysis.

If the Executive Director of Facilities and Safety determines emergency removal is appropriate, they or designee will provide the person **Tillamook Bay Community College** is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of their removal. The Executive Director of Facilities and Safety or designee will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

Administrative Leave

Tillamook Bay Community College may place a non-student employee Respondent on administrative leave during the pendency of the grievance process described below. **Tillamook Bay Community College** will follow any relevant policies, procedures, collective bargaining agreements, or state law in placing an employee on administrative leave.

Basic Requirements of Title IX Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Parties

Tillamook Bay Community College will treat complainants and respondents equitably.

Tillamook Bay Community College requires that any Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. As long as there is no conflict of interest or bias, a decision-maker may be the same person as the Title IX Coordinator or investigator.

Tillamook Bay Community College presumes that the Respondent is not responsible for the alleged sex-based harassment until a determination is made at the conclusion of its grievance procedures.

Timeframes and Extensions

Tillamook Bay Community College has established the following timeframes for the major stages of the grievance procedures:

- **Complaint evaluation:** **Tillamook Bay Community College** will determine whether to dismiss or investigate a Complaint within 15 business days.
- **Complaint investigation:** **Tillamook Bay Community College** will complete an adequate, reliable, and impartial investigation of Complaints within 120 calendar days
- **Questioning the Parties and Witnesses:** **Tillamook Bay Community College** will complete the process that enables the Decision-Maker to question the Parties and Witnesses no later than 30 calendar days after the date that the investigation concludes.
- **Determination Whether Sex-Based Harassment Occurred:** **Tillamook Bay Community College** will issue a written determination whether sex-based harassment occurred no later than 30 business days after the date that the Decision-Maker completes the process that enables the Decision-Maker to question the Parties.
- **Appeal (if any):** A Complainant or Respondent may submit a written appeal no later than 7 business days from the date of the notice of determination whether sex-based

harassment occurred or from the date of Tillamook Bay Community College's notice of dismissal of a Complaint or any allegations. If a Complainant or Respondent submits an appeal to Tillamook Bay Community College, Tillamook Bay Community College will notify the other Party in writing within 5 business days of receiving a Party's appeal and allow the non-appealing Parties at least 10 business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome. The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 45 calendar days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the timeline(s) identified in the preceding paragraph to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for breaks or vacations, or due to the complexity of the investigation. **Tillamook Bay Community College** will provide notice of this extension to the Parties in writing and include the reason for the delay and anticipated timing of completion. A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping.

Privacy

Tillamook Bay Community College will take reasonable steps to protect the privacy of the Parties and Witnesses during its grievance procedures. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to Witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Evidence

Tillamook Bay Community College will objectively evaluate all evidence that is relevant and otherwise permissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by **Tillamook Bay Community College** to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether the evidence or question is relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

- A Party's or Witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or Witness, unless **Tillamook Bay Community College** obtains that Party's or Witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations

Upon initiation of these Title IX grievance procedures, **Tillamook Bay Community College** will notify the Parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- **Tillamook Bay Community College's** Title IX grievance and any informal resolution process;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The Respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the Parties will have an opportunity to present relevant and otherwise permissible evidence to a trained, impartial decision-maker;
- The Parties may have an Advisor of their choice who may be, but is not required to be, an attorney;
- The Parties are entitled to an equal opportunity to access the relevant and otherwise permissible evidence or an investigative report that accurately summarizes this evidence. The Parties are entitled to an equal opportunity to access the relevant and permissible evidence upon the request of any Party; and
- **Tillamook Bay Community College's *BP/AR Standards of Student Conduct* or other relevant policy or procedure containing these provisions** prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures].

If, during an investigation, **Tillamook Bay Community College** decides to investigate additional allegations of sex-based harassment by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated Complaint, **Tillamook Bay Community College** will provide written notice of the additional allegations to the Parties.

Dismissal of a Complaint:

Tillamook Bay Community College may dismiss a Complaint of sex-based harassment involving student parties if:

- **Tillamook Bay Community College** is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in **Tillamook Bay Community College's** education program or activity and is not employed by **Tillamook Bay Community College**;
- The Complainant voluntarily withdraws in writing of any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and **Tillamook Bay Community College** determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex-based harassment under Title IX even if proven; or
- **Tillamook Bay Community College** determines the conduct alleged in the Complaint, even if proven, would not constitute sex-based harassment under Title IX. Before dismissing the Complaint, **Tillamook Bay Community College** will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, **Tillamook Bay Community College** will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then **Tillamook Bay Community College** will notify the Parties of the dismissal and the basis for the dismissal simultaneously in writing.

Tillamook Bay Community College will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then **Tillamook Bay Community College** will also notify the Respondent that the dismissal may be appealed. For more information on the right to appeal, see the Appeals section below.

If a Complaint is dismissed, **Tillamook Bay Community College** will:

- Offer supportive measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex-based harassment does not continue or recur within **Tillamook Bay Community College's** education program or activity.

Investigation

Tillamook Bay Community College will provide for adequate, reliable, and impartial investigation of Complaints.

Burden of Gathering Evidence

The burden is on **Tillamook Bay Community College**—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether sex-based harassment occurred.

Participation

Tillamook Bay Community College will provide to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate. **Tillamook Bay Community College** will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- **Tillamook Bay Community College** will not limit the choice or presence of the advisor for the Complainant or Respondent in any meeting or proceeding.
- **Tillamook Bay Community College** may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the Parties.

Tillamook Bay Community College will provide the Parties with the same opportunities, if any, to have people other than the advisor of the Party's choice present during any meeting or proceeding involving the Party.

Opportunity to Present Witnesses and Evidence

Tillamook Bay Community College will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and otherwise permissible. **Tillamook Bay Community College** has discretion to determine whether the Parties may present expert witnesses as long as the determination applies equally to the Parties.

Evidence

Tillamook Bay Community College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is permissible regardless of relevance.

Tillamook Bay Community College will provide each Party and the Party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and otherwise permissible, in the following manner:

- **Tillamook Bay Community College** will provide an equal opportunity to access either the relevant and otherwise permissible evidence, or the same written investigative report that accurately summarizes this evidence. The **Tillamook Bay Community College** will further provide the Parties with an equal opportunity to access the relevant and otherwise permissible evidence upon the request of any Party.;
- **Tillamook Bay Community College** will provide the Parties with a reasonable opportunity to review and respond to the evidence or the investigative report.;
- **Tillamook Bay Community College** will take reasonable steps to prevent and address the Parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Questioning the Parties and Witnesses

Tillamook Bay Community College will provide a process that enables the Decision-Maker to question Parties and Witnesses to adequately assess a Party's or Witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

Tillamook Bay Community College's process for proposing and asking relevant and otherwise

permissible questions and follow-up questions of the Parties and Witnesses, including questions challenging credibility, will:

- Allow the Investigator or Decision-Maker to ask such questions during individual meetings with a Party or Witness;
- Allow each Party to propose such questions that the Party wants asked of any Party or Witness and have those questions asked by the Investigator or Decision-Maker during one or more individual meetings, including follow-up meetings, with a Party or Witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each Party with an audio or audiovisual recording or transcript with enough time for the Party to have a reasonable opportunity to propose follow-up questions.

If **Tillamook Bay Community College** chooses to conduct a live hearing, **Tillamook Bay Community College's** process for proposing and asking relevant and otherwise permissible questions and follow-up questions of Parties and Witnesses, including questions challenging credibility, will allow the Decision-Maker to ask such questions, and allow each Party to propose such questions that the Party wants asked of any Party or Witness and have those questions asked by the Decision-Maker, subject to the procedures for evaluating and limiting questions discussed below.

Procedures for the Decision-Maker to evaluate the questions and limitations on questions

The Decision-Maker will determine whether a proposed question is relevant and otherwise permissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the Party or Witness being questioned will not be permitted. The Decision-Maker will give a Party an opportunity to clarify or revise a question that the Decision-Maker determines is unclear or harassing. If the Party sufficiently clarifies or revises the question, the question will be asked.

Refusal to respond to questions and inferences based on refusal to respond to questions

The Decision-Maker may choose to place less or no weight upon statements by a Party or Witness who refuses to respond to questions deemed relevant and permissible. The Decision-Maker will not draw an inference about whether sex-based harassment occurred based solely on a Party's or Witness's refusal to respond to such questions.

Determination Whether Sex-Based Harassment Occurred

Following an investigation and evaluation of all relevant and otherwise permissible evidence, **Tillamook Bay Community College** will:

- Use the preponderance of the evidence standard of proof to determine whether sex-based harassment occurred. The standard of proof requires the Decision-Maker to evaluate relevant and otherwise permissible evidence for its persuasiveness. If the Decision-Maker is not persuaded by a preponderance of the evidence that sex-based harassment occurred, whatever the quantity of the evidence is, the Decision-Maker will not determine that sex-based harassment occurred.

- Notify the Parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 - A description of the alleged sex-based harassment;
 - Information about the policies and procedures that **Tillamook Bay Community College** used to evaluate the allegations;
 - The Decision-Maker's evaluation of the relevant and otherwise permissible evidence and determination whether sex-based harassment occurred;
 - When the Decision-Maker finds that sex-based harassment occurred, any disciplinary sanctions **Tillamook Bay Community College** will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by **Tillamook Bay Community College** to the Complainant, and, to the extent appropriate, other students identified by **Tillamook Bay Community College** to be experiencing the effects of the sex-based harassment; and
 - **Tillamook Bay Community College's** procedures and permissible bases for the Complainant and Respondent to appeal.
- **Tillamook Bay Community College** will not impose discipline on the Respondent for sex-based harassment prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in prohibited sex-based harassment.
- If there is a determination that sex-based harassment occurred, as appropriate, the Title IX Coordinator will:
 - Coordinate the provision and implementation of remedies to the Complainant and other people **Tillamook Bay Community College** identifies as having had equal access to **Tillamook Bay Community College's** education program or activity limited or denied by sex-based harassment;
 - Coordinate the imposition of any disciplinary sanctions on the Respondent, including notification to the Complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex-based harassment does not continue or recur within **Tillamook Bay Community College's** education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a Party, Witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex-based harassment occurred.

The determination regarding responsibility becomes final either on the date that **Tillamook Bay Community College** provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

Appeals

A Party may appeal the dismissal of a Complaint or any allegations or the determination whether

sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

If a Party appeals a dismissal or determination whether sex-based harassment occurred,

Tillamook Bay Community College will:

- Notify the Parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the Parties;
- Ensure that the Decision-Maker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint;
- Ensure that the Decision-Maker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the Parties in writing that **Tillamook Bay Community College** will provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the Parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or bases for appeal **Tillamook Bay Community College** offers will be equally available to all Parties.

Informal Resolution

In lieu of resolving a Complaint through **Tillamook Bay Community College's** Title IX grievance procedures, the Parties may instead elect to participate in an informal resolution process.

Tillamook Bay Community College will not offer informal resolution to resolve a Complaint when such a process would conflict with Federal, State, or local law. **Tillamook Bay Community College** will inform the Parties in writing of any informal resolution process it offers and determines is appropriate, if any. Before the initiation of an informal resolution process, **Tillamook Bay Community College** will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the Parties agree to a resolution at the end of the informal resolution process, the Parties cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and

- What information **Tillamook Bay Community College** will maintain and whether and how **Tillamook Bay Community College** could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Supportive Measures

Tillamook Bay Community College will offer and coordinate supportive measures as appropriate for the Complainant and Respondent to restore or preserve that person's access to **Tillamook Bay Community College's** education program or activity or provide support during **Tillamook Bay Community College's** Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, Tillamook Bay Community College-provided housing, or extracurricular or any other activity, regardless of whether there is a comparable alternative; and training and education programs related to sex-based harassment.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, **Tillamook Bay Community College** may impose disciplinary sanctions on a student respondent including written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Following a determination that sex-based harassment occurred, **Tillamook Bay Community College** may impose disciplinary sanctions on an employee respondent including written or verbal reprimand, required training or counseling, reduction in pay, demotion, suspension, or discharge.

Tillamook Bay Community College may also provide remedies, which may include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a Complainant, if a student, to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and

Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant's discipline.

Dissemination of Policy and Procedures

Tillamook Bay Community College will provide its policy and procedures related to Title IX on its website and in each handbook, catalog, announcement, bulletin, and application form that is makes available to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining, or professional agreements with Tillamook Bay Community College.

Training

Tillamook Bay Community College will provide training to all employees on Tillamook Bay Community College's obligation to address sex discrimination in its education program or activity, the scope of conduct that constitutes sex discrimination including sex-based harassment under Title IX, and all applicable notification and information requirements under Title IX regulations. Tillamook Bay Community College will ensure that its Title IX Coordinator(s), investigators, Decision-Makers, facilitators of an information resolution process, and other persons who are responsible for implementing Tillamook Bay Community College's grievance procedures or have the authority to modify or terminate supportive measures, have training on topics requires by Title IX regulations. Tillamook Bay Community College will make these training materials available upon request for inspection by members of the public.

File Retention

Tillamook Bay Community College will retain on file for a period of at least seven years after closing the case copies of:

- For each complaint of sex discrimination: records documenting the informal resolution process (if any) or the grievance procedures, and the resulting outcome
- For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX or this part, including notifications under 106.44(c)(1) or (2), records documenting the actions Tillamook Bay Community College took to meet its obligations under Title IX regulations.
- All materials used to provide training pursuant to Title IX regulations.

Approved: 11/24