

**Standard Operating Procedure**

**Procedure Title**:  RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF PROHIBITED SEX AND GENDER-BASED DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT POLICY (Hereinafter the “Resolution Process”)

**Procedure #**:  4.XXX

**Revision #:**

**Unit Responsible:** Equal Opportunity Office, Student Affairs, Human Resources

**Individual Responsible**:  Equal Opportunity Officer

**Effective Date**:  08/01/2024

**Initial Approval Date**:  07/31/2024

**Last Review/Update Date**: 10/15/2024

**Next Review Date**:  07/2027

**\*Does this procedure support a Board Policy?** yes

**If yes, identify**: 4.120 Prohibited Sex or Gender-Based Discrimination, Harassment and Sexual Misconduct, 4.110 Nondiscrimination

 Board policies can be found at:  [LCC Board of Trustees Policy Page](https://lcc.edu/about/board-of-trustees/policies.html)

**\*Does this procedure support HLC criteria?**  No

**If yes, identify**:

HLC Criteria can be found at:  [HLC Accreditation Criteria](https://www.hlcommission.org/Policies/criteria-and-core-components.html)

**\*Does this procedure support a State or Federal Regulation?** Yes

**If yes, identify**:  Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (Title IX)

**\*Note: Standard Operating Procedures should be in furtherance of some LCC policy and/or accreditation criteria, even if the relationship is not direct. Assistance in determining this information can be obtained from the Academic Procedure Advisory Committee (APAC) and/or the Accreditation Liaison Officer.**



**RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF PROHIBITED SEX AND GENDER-BASED DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT POLICY**

***1. Purpose***

To ensure that LCC will act on any Notice, Complaint, or Knowledge of a potential violation of the Prohibited Sex and Gender-based Discrimination, Harassment, and Sexual Misconduct Policy (“the Policy”) that the Title IX Coordinator or any other Mandated Reporter receives by applying the Resolution Process.

***2. Scope***

The procedures below apply to all allegations of discrimination on the basis of an actual or perceived protected characteristics, harassment, retaliation, or Other Prohibited Conduct involving students, employees, or third parties. Unionized/other categorized employees are subject to the terms of their agreements/employees’ rights to the extent those agreements do not conflict with federal or state compliance obligations.

***3. Prerequisites***

Upon receipt of Notice, a Complaint, or Knowledge of an alleged Policy violation, the Title IX Coordinator will initiate a prompt initial evaluation to determine LCC’s next steps. The Title IX Coordinator will contact the Complainant/source of the Notice to offer supportive measures, interim measures, protective measures, accommodations, and provide information regarding resolution options, and determine how they wish to proceed.

***4. Responsibilities***

* ***Advisors.*** Any person chosen by a party, or appointed by the institution, may accompany the party to all meetings related to the Resolution Process and advise the party on that process.
* ***Title IX Coordinators.*** Is the College’s designee to address sex discrimination, including sex based harassment, the dissemination of the College’s non-discrimination policy and contact information. As used in these policies and procedures, the “Title IX Coordinator” also includes their designee(s).
* ***Appeal Decision-maker.*** The person who accepts or rejects a submitted appeal request, determines whether any of the appeal grounds are met, and directs responsive action(s), accordingly.
* ***Complainant.***A student or employee who is alleged to have been subjected to conduct that could constitute discrimination, harassment, retaliation, or Other Prohibited Conduct under the Policy; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination or harassment under the Policy and who was participating or attempting to participate in LCC’s education program or activity at the time of the alleged discrimination, harassment, retaliation, or Other Prohibited Conduct.
* ***Confidential Employee.***
  + An employee whose communications are privileged or confidential under federal or state law. The employee’s confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
  + An employee whom LCC has designated as confidential under this Policy for the purpose of providing services to persons related to discrimination, harassment, retaliation, or Other Prohibited Conduct. If the employee also has a duty not associated with providing those services, the employee’s confidential status only applies with respect to information received about discrimination, harassment, retaliation, or Other Prohibited Conduct in connection with providing those services; or
  + An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, retaliation, or Other Prohibited Conduct. The employee’s confidential status only applies with respect to information received while conducting the study.
* ***Decision-maker.*** The person or panel who reviews evidence, determines relevance, and makes the Final Determination of whether Policy has been violated and/or assigns sanctions.
* ***Employee.*** A person employed by LCC either full- or part-time, including student employees when acting within the scope of their employment.
* ***Equal Opportunity Officer***- EOO Coordinator means the Administrative Service Officer who is receiving complaints, determining applicability under the complaint system, reviewing or investigating, and tracking the processing of complaints.
* ***Investigator.*** The person(s) authorized by LCC to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an Investigation Report.

***5.*** ***Jurisdiction***

This procedure applies to the College’s education programs and activities (defined as including locations, events, or circumstances in which the College exercises substantial control over both the respondent and the context in which the conduct occurred), including circumstances where the College has disciplinary authority.

This procedure may also apply to the effects of off-campus misconduct that limit or deny a person’s access to the College’s education programs or activities. The College may also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial College interest.

A substantial College interest includes:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
2. Any situation in which it is determined that the respondent poses an imminent and serious threat to the health or safety of any student, employee, or other individual.
3. Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
4. Any situation that substantially interferes with the College’s educational interests or mission.

For disciplinary action to be issued under this procedure, the respondent must be a College faculty member, student, or employee at the time of the alleged incident. If the respondent is unknown or is not a member of the College community, the Title IX Coordinator will offer to assist the complainant in identifying appropriate institutional and local resources and support options and will implement appropriate supportive measures and/or remedial actions (e.g., trespassing a person from campus). The College can also assist in contacting local or institutional law enforcement if the individual would like to file a police report about criminal conduct.

When a student is participating in a LCC program pursuant to an agreement between the College and a high school , then the College will follow the language in the agreement. If either the College or the District initiates disciplinary proceedings against a student, then the entity will be required to impose disciplinary penalties in accordance with their Student Code of Conduct. Once a disciplinary process has begun, the party enforcing it shall bear sole responsibility for its enforcement.

When the respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution’s policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee complainant who experiences discrimination in an externship, study abroad program, or other environment external to the College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the complainant recourse. If there are effects of that external conduct that impact a student or employee’s work or educational environment, those effects can often be addressed remedially by the Title IX Coordinator if brought to their attention.

***6. Prohibited Conduct***

Students and employees are entitled to an educational and employment environment that is free of discrimination, harassment, and retaliation.

This section describes the specific forms of legally prohibited discrimination, harassment, and retaliation that are also prohibited under College Policy.

Violation of any other College policies may constitute discrimination or harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

## Discrimination

Discrimination is different treatment with respect to a person’s employment or participation in an education program or activity based, in whole or in part, upon the person’s actual or perceived protected characteristic. Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, religion, or creed.

Discrimination can take two primary forms:

1. **Disparate Treatment Discrimination:**
   * Any intentional differential treatment of a person or persons that is based on a person’s s actual or perceived protected characteristic and that:
     + Excludes a person from participation in;
     + Denies the person benefits of; or
     + Otherwise adversely affects a term or condition of a person’s participation in a College program or activity.
2. **Disparate Impact Discrimination:**
   * Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:
     + Excludes a person from participation in;
     + Denies the person benefits of; or
     + Otherwise adversely affects a term or condition of a person’s participation in a College program or activity.

## Discriminatory Harassment

* unwelcome conduct on the basis of actual or perceived protected characteristic(s), 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 the College’s education program or activity

## Sex-based Harassment

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including:

**Quid Pro Quo Harassment.** An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's 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 the 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:

* + 1. The degree to which the conduct affected the complainant's ability to access the College’s education program or activity;
    2. The type, frequency, and duration of the conduct;
    3. The parties' ages, roles within the 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;
    4. The location of the conduct and the context in which the conduct occurred; and
    5. Other sex-based harassment in the College’s education program or activity

## Sex Discrimination

## Discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity.

## Sexual Assault

Sexual assault is any non-consensual sexual contact, including but not limited to non-consensual sexual penetration (see below).

# Non-Consensual Sexual Contact

Non-Consensual Sexual Contact (e.g., fondling) is any intentional sexual touching, however slight, by any person upon another person that is without consent and/or accomplished by force or threat of force. Sexual contact includes (1) intentional contact with a person’s breast, buttock, groin, or genitals, or (2) touching another with any of these body parts or with any object, or (3) making another touch you or themselves with or on any of these body parts, or (4) any other intentional bodily contact in a sexual manner.

# Non-Consensual Sexual Penetration

Non-Consensual Sexual Penetration (e.g., rape) is any sexual penetration, however slight, by a person upon another person that is without consent and/or accomplished by force or threat of force. This includes vaginal or anal penetration, no matter how slight, by any body part or object; or oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

Sexual Assault is an offense classified as forcible or non-forcible sex under the uniform crime reporting (UCR) system of the Federal Bureau of Investigation (FBI).

1. Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of that person, including instances where they are incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. This offense includes the rape of both males and females.
2. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of that person, including instances where they are incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
3. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

## Dating or Domestic Violence

Dating or domestic violence includes all violent criminal offenses (e.g., physical violence, interfering with personal liberty, etc.) as well as intimidation, harassment, physical abuse, or sexual abuse when it is caused by someone in an intimate relationship with another person. Examples of such actions include physical abuse (hitting, slapping, shoving, grabbing, biting, hair pulling, etc.); sexual abuse (marital rape, treating one in a sexually demeaning manner, coercing or attempting to coerce sexual contact without consent, etc.); and psychological or emotional abuse (name- calling, persistently undermining an individual’s sense of self-worth or self-esteem, intentionally damaging one’s relationships with others, etc.).

# Dating Violence

Dating violence is committed by a person who is in, or has been in a dating relationship or a social relationship of a romantic or intimate nature with another person. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

# Domestic Violence

Domestic violence is committed by a person who is the complainant’s current or former spouse, current or former domestic partner, current or former cohabitant, a person with whom the complainant shares a child in common, or a person similarly situated under domestic or family violence law.

Domestic Violence is a felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior by a person who:

* Is a current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim;
* Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
* Shares a child in common with the victim; or
* Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

## Stalking

Stalking means a course of harassment directed at a specific person that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested, or to fear for her, his, their, or others' safety, or to suffer substantial emotional distress. Conduct that can amount to stalking may include any combination of actions directed at another person, whether done directly, indirectly, through others, via devices, or by any other methods or means (specifically including electronic means), including but not limited to:

* Following, appearing within sight of, or confronting a person;
* Being or remaining in close proximity to a person;
* Appearing at a person’s residence or place of employment;
* Monitoring, observing, or conducting surveillance of a person;
* Threatening (directly or indirectly) a person;
* Communicating with a person by telephone, mail, or electronic communications;
* Placing an object on or delivering an object to a place owned, leased, or occupied by a person;
* Interfering with or damaging a person’s property (including pets).

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition:

* Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
* Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.
* Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

## Economic Abuse

Economic abuse, in the context of domestic violence, dating violence, and abuse in later life, is behavior that is coercive, deceptive, or unreasonably controls or restrains a person’s ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:

* Restrict a person’s access to money, assets, credit, or financial information;
* Unfairly use a person’s personal economic resources, including money, assets, and credit, for one’s own advantage; or
* Exert undue influence over a person’s financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

## Technological Abuse

Technological abuse is an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to:

* Internet-enabled devices;
* online spaces and platforms;
* computers;
* mobile devices;
* cameras and imaging programs;
* apps;
* location tracking devices;
* or communication technologies;
* or any other emerging technologies

## Sexual Exploitation

Sexual Exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for the advantage or benefit of oneself or a third party. This includes, but is not limited to, the following actions (including when they are done by electronic means, methods, or devices):

* Invasion of sexual privacy (e.g., engaging in sexual voyeurism or permitting others to witness or observe the nudity or sexual or intimate activity of another person) without that person’s consent;
* Indecent or lewd exposure or inducing others to expose themselves when consent is not present;
* Recording any person’s nudity or sexual or intimate activity in a private space without that person’s consent;
* Sharing or distributing sexual information, or images or recordings of a person’s nudity or sexual activity, without that person’s consent;
* Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation, such as prostitution;
* Knowingly exposing someone to or transmitting HIV or an STI/STD to another person;
* Inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs.

## Hazing

Hazing is prohibited as it constitutes a violation of this Policy and the state of Michigan’s Anti-Hazing law (Garret’s Law- MCL-Section 750.411t). This policy applies to all student organizations and student groups, including but not limited to athletic teams, spirit groups, military organizations, honor societies, fraternities and sororities, musical or theatrical ensembles, bands, and clubs.

 “Hazing” means an intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against an individual and that the person knew or should have known endangers the physical health or safety of the individual, and that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization.

## Retaliation

No person will be penalized for good faith utilization of channels available for resolving concerns dealing with prohibited discrimination or harassment. Lansing Community College strictly prohibits any adverse action against any individual for making a good faith report, providing information, exercising one’s rights or responsibilities under this Policy, or otherwise being involved in the process of responding to, investigating, or addressing or opposing any alleged incidents of prohibited discrimination or harassment, including allegations of sexual misconduct. Any person who engages in any retaliatory actions against any such individual for having engaged in these legally protected activities will be subject to disciplinary action that may include, but is not limited to, expulsion from the College and termination of employment. In addition, any person who engages in such retaliatory actions may be subject to criminal prosecution and may become liable in civil litigation.

Making deliberately false accusations of discrimination or harassment violates this policy and may violate other standards of conduct. In such instances, the complainant will be subject to disciplinary action. However, failure to prove a claim of discrimination or harassment does not constitute proof of a false and/or malicious accusation.

For Title IX purposes, no recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing. Intimidation, threats, coercion, or discrimination (including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances) for the purpose of interfering with any right or privilege under Title IX, constitutes retaliation.

Anyone who is aware of possible retaliation or has concerns regarding the response to a complaint of prohibited discrimination or harassment, including sexual misconduct, should immediately report such concerns to the Title IX Coordinator or the Equal Opportunity Officer, who will investigate the matter and pursue any appropriate corrective action.

***7. Standard of Proof***

The College uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that the College will decide whether it is more likely than not, based upon the available information at the time of the decision, that the respondent is in violation of the alleged Policy violation(s).

***8. Procedure***

# Overview

LCC will act on any Notice, Complaint, or Knowledge of a potential violation of the Prohibited Sex and Gender-based Discrimination, Harassment, and Sexual Misconduct Policy (“the Policy”) that the Title IX Coordinator or any other Mandated Reporter receives by applying the Resolution Process below.

The procedures below apply to all allegations of discrimination on the basis of an actual or perceived protected characteristics, harassment, retaliation, or Other Prohibited Conduct involving students, employees, or third parties. Unionized/other categorized employees are subject to the terms of their agreements/employees’ rights to the extent those agreements do not conflict with federal or state compliance obligations.

# Notice/Complaint

Upon receipt of Notice, a Complaint, or Knowledge of an alleged Policy violation, the Title IX Coordinator will initiate a prompt initial evaluation to determine LCC’s next steps. The Title IX Coordinator will contact the Complainant/source of the Notice to offer supportive measures, interim measures, protective measures, accommodations, and provide information regarding resolution options, and determine how they wish to proceed.

# Collateral Misconduct

Collateral misconduct is defined to include potential violations of other LCC policies not incorporated into the Policy that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all allegations. Thus, the collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these Procedures. In such circumstances, the Title IX Coordinator may consult with LCC officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the discretion of Title IX Coordinator. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the [LCC Board of Trustees Policies](https://www.lcc.edu/about/board-of-trustees/policies.html).

# Initial Evaluation

The Title IX Coordinator conducts an initial evaluation typically within ten (10) business days of receiving Notice/Complaint/Knowledge of alleged misconduct.[[1]](#footnote-2) The initial evaluation typically includes:

* Assessing whether the reported conduct may reasonably constitute a violation of the Policy.
  + If the conduct may not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. It may then be referred to another process, if applicable.
* Determining whether LCC has jurisdiction over the reported conduct, as defined in the Policy.
  + If the conduct is not within LCC jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate LCC office for resolution.
* Offering and coordinating supportive measures for the Complainant.
* Offering and coordinating supportive measures for the Respondent.
* Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options, including a supportive and remedial response, an Informal Resolution option, or the Resolution Process described below.
* Determining whether the Complainant wishes to initiate a Complaint.
* Notifying the Respondent of the available resolution options, including a supportive and remedial response, an Informal Resolution option, or the Resolution Process described below, if a Complaint is made.

***Helping a Complainant to Understand Resolution Options***

If the Complainant indicates they wish to initiate a Complaint (in a manner that can reasonably be construed as reflecting intent to make a Complaint), the Title IX Coordinator will help to facilitate the Complaint, which will include:

* Working with the Complainant to determine whether the Complainant wishes to pursue one of three resolution options:
  + a supportive and remedial response, and/or
  + Informal Resolution, or
  + the Resolution Process described below.

The Title IX Coordinator will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If the Complainant elects for the Resolution Process below, and the Title IX Coordinator has determined the Policy applies and that LCC has jurisdiction, they will route the matter to the appropriate Title IX Administrator, will provide the Parties with a Notice of Investigation and Allegation(s), and will initiate an investigation consistent with these Procedures.

If any Party indicates (either verbally or in writing) that they want to pursue an Informal Resolution option, the Title IX Coordinator will assess whether the matter is suitable for Informal Resolution and refer the matter accordingly.

If the Complainant indicates (either verbally or in writing) that they do not want any action taken, no Resolution Process will be initiated (unless deemed necessary by the Title IX Coordinator), though the Complainant can elect to initiate one later, if desired.

***Title IX Coordinator Authority to Initiate a Complaint***

If the Complainant does not wish to file a Complaint, the Title IX Coordinator, who has ultimate discretion as to whether a Complaint is initiated, will offer supportive measures and determine whether to initiate a Complaint themselves. To make this determination, the Title IX Coordinator will evaluate that request to determine if there is a serious and imminent threat to someone's safety or if LCC cannot ensure equal access without initiating a Complaint. The Title IX Coordinator will consider the following non-exhaustive factors to determine whether to file a Complaint:

* The Complainant’s request not to initiate a Complaint.
* The Complainant’s reasonable safety concerns regarding initiating a Complaint.
* The risk that additional acts of discrimination would occur if a Complaint is not initiated.
* The severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence.
* The age and relationship of the Parties, including whether the Respondent is a LCC employee.
* The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals.
* The availability of evidence to assist a Decision-maker in determining whether discrimination occurred.
* Whether LCC could end the alleged discrimination and prevent its recurrence without initiating its resolution process.

If deemed necessary, the Title IX Coordinator may consult with appropriate LCC employees, Behavioral Intervention Team (BIT), or LCC Police Department, and/or conduct a violence risk assessment[[2]](#footnote-3) to aid their determination whether to initiate a Complaint.

When the Title IX Coordinator initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy.

# Dismissal

LCC **may** dismiss a Complaint if, at any time during the investigation or Resolution Process, one or more of the following grounds are met:

1. LCC is unable to identify the Respondent after taking reasonable steps to do so
2. LCC no longer enrolls or employs the Respondent
3. A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Title IX Coordinator declines to initiate a Complaint
4. LCC determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven

As authorized by the Title IX Coordinator, a Decision-maker or investigator can recommend dismissal to the Title IX Coordinator if they believe the grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, LCC will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, LCC will also notify the Respondent of the dismissal.

This dismissal decision is appealable by any party.

# Appeal of Dismissal

The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within five (5) business days of the notification of the dismissal.

The Title IX Coordinator will notify the Parties of any appeal of the dismissal. If, however, the Complainant appeals, but the Respondent was not notified of the Complaint, the Title IX Coordinator must then provide the Respondent with a Notice of Investigation and Allegation (NOIA) and will notify the Respondent of the Complainant’s appeal with an opportunity to respond.

Throughout the dismissal appeal process, LCC will:

* Implement dismissal appeal procedures equally for the Parties.
* Assign a trained Dismissal Appeal Officer who did not take part in an investigation of the allegations or dismissal of the Complaint.
* Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal.
* Notify the Parties of the result of the appeal and the rationale for the result.

The grounds for dismissal appeals are limited to:

1. Procedural irregularity that would change the outcome.
2. New evidence that would change the outcome and that was not reasonably available when the dismissal was decided.
3. 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

The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request from one or more Parties, the Title IX Coordinator will share the petition with all other Parties and provide ten (10) business days for other Parties and the Title IX Coordinator to respond to the request. At the conclusion of the response period, the Title IX Coordinator will forward the appeal, as well as any response provided by the other Parties and/or the Title IX Coordinator to the Dismissal Appeal Officer for consideration.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the Dismissal Appeal Officer will deny the request, and the Parties, their Advisors, and the Title IX Coordinator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in this Policy, then the Dismissal Appeal Officer will notify all Parties and their Advisors, and the Title IX Coordinator, of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Officer has ten (10) business days to review and decide on the appeal, though extensions can be granted at the discretion of the Title IX Coordinator, and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

The Dismissal Appeal Officer may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

# Emergency Removal/Interim Suspension of a Student

LCC may emergency remove a student accused of Sex Discrimination or Sex-based Harassment upon receipt of Notice/Knowledge, a Complaint, or at any time during the Resolution Process. Prior to an emergency removal, LCC will conduct an individualized risk assessment and may remove the student if that assessment determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies such action. Students accused of other forms of discrimination (not sex) are subject to interim suspension, which can be imposed for safety reasons.

When an emergency removal or interim suspension is imposed, wholly or partially, the affected student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal or interim suspension within three (3) business days of the notification. Upon receipt of a challenge, the Title IX Coordinator will meet with the student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal or interim suspension is appropriate, should be modified, or lifted. When this meeting is not requested within three (3) business days, objections to the emergency removal or interim suspension will be deemed waived. A student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable for them to do so.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Title IX Coordinator for review.

An emergency removal or interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Title IX Coordinator will communicate the final decision in writing, typically within five (5) business days of the review meeting.

# Placing an Employee on Leave

When the Respondent is an employee, or a student employee accused of misconduct in the course of their employment, as with other matters of employee misconduct, the College has procedures in place that are applicable as to the employment status, separate and distinct from the emergency removal process, which may include interim actions, such as placing the employee on an administrative leave pending conclusion of the investigation, consistent with HR procedures. Procedures for unionized employees can be found here: [Collective Bargaining Agreements](https://www.lcc.edu/hr/labor-relations/contracts.html).

# Counter-Complaints

LCC is obligated to ensure that the Resolution Process is not abused for retaliatory purposes. Although LCC permits the filing of counter-complaints, the Title IX Coordinator will use an initial evaluation, described above, to assess whether the allegations in the counter-complaint are made in good faith. When counter-complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a violation of the Policy.

Counter-complaints determined to have been reported in good faith will be processed using the Resolution Process below. At the Title IX Coordinator’s discretion, investigation of such claims may take place concurrently or after resolution of the underlying initial Complaint.

# Advisors in the Resolution Process

## Who Can Serve as an Advisor?

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings, interviews, and hearings within the Resolution Process, including intake. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.[[3]](#footnote-4)

The Title IX Coordinator will offer to assign a trained Advisor to any party if the party chooses. If the Parties choose an Advisor from the pool available from LCC, LCC will have trained the Advisor and familiarized them with LCC’s Resolution Process.

LCC cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, LCC is not obligated to provide an attorney to advise that party.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted. Students may be asked to sign a Family Educational Rights and Privacy Act (FERPA) release form naming their Advisor if they wish educational record information be shared. LCC will decline to share materials with any Advisor who has not been named in a FERPA release form. Advisors that are LCC Employees (non-students) will not need to be named in a FERPA release to access materials. LCC may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by LCC’s confidentiality expectations.

LCC may permit Parties to have more than one Advisor, or an Advisor and a support person, upon special request to the Title IX Coordinator. The decision to grant this request is at the Title IX Coordinator’s sole discretion and will be granted equitably to all Parties.

If a party requests that all communication be made through their attorney Advisor instead of to the party, LCC will agree to copy both the party and their Advisor on all communications.

Advisors appointed by the institution cannot be Confidential Employees, and although they will not be asked to disclose details of their interactions with their advisees to institutional officials or Decision-makers absent an emergency, they are still reminded of their Mandated Reporter responsibilities.

As a public entity, LCC fully respects and accords the Weingarten rights of employees, meaning that for Parties who are entitled to union representation, LCC will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are permitted to have union representation or Advisors in Resolution Process interviews or meetings.]

## Advisor’s Role in the Resolution Process

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to ask and respond to questions on their own behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

## Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to access relevant evidence, and/or the same written investigation report that accurately summarizes this evidence.

Advisors are expected to maintain the confidentiality of the records LCC shares with them. Advisors may not disclose any LCC work product or evidence LCC obtained solely through the Resolution Process for any purpose not explicitly authorized by LCC.

Students may be asked to sign a Family Educational Rights and Privacy Act (FERPA) release form naming their Advisor if they wish educational record information be shared. LCC will decline to share materials with any Advisor who has not been named in a FERPA release form. Advisors that are LCC Employees (non-students) will not need to be named in a FERPA release to access materials. LCC may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by LCC’s confidentiality expectations.

## Advisor Expectations

LCC generally expects an Advisor to adjust their schedule to allow them to attend LCC meetings/interviews/hearings when planned, but LCC may change scheduled meetings/interviews/hearings to accommodate an Advisor’s inability to attend, if doing so does not cause an unreasonable delay.

LCC may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies.

All Advisors are subject to the same LCC policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by LCC. Advisors are expected to advise without disrupting proceedings.

## Advisor Procedure Violations

Any Advisor who oversteps their role as defined by this procedure, who shares information or evidence in a manner inconsistent with this procedure or who refuses to comply with LCC’s established rules of decorum, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including LCC requiring the party to use a different Advisor or providing a different LCC-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor’s non-compliance and future role.

# Resolution Options Overview

This Resolution Process, consisting of Informal Resolution or Hearing Resolution, is LCC’s chosen approach to addressing all forms of discrimination on the basis of protected characteristics, harassment, retaliation, and Other Prohibited Conduct under the Policy. The process considers the Parties’ preferences but is ultimately determined at the Title IX Coordinator’s discretion.

Resolution proceedings are confidential. All individuals present at any time during the Resolution Process are expected to maintain the confidentiality of the proceedings in accordance with LCC Policy.

## Informal Resolution

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a final determination, or the Title IX Coordinator may offer the option to the Parties, in writing. LCC will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

Before initiation of an Informal Resolution process, LCC will provide the Parties with a Notice of Investigation and Allegation (NOIA) that explains:

* The allegations.
* The requirements of the Informal Resolution process.
* That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume LCC’s Resolution Process.
* That the Parties’ agreement to a resolution at the conclusion of the Informal Resolution Process will preclude the Parties from initiating or resuming the Resolution Process arising from the same allegations.
* The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties.
* What information LCC will maintain, and whether and how it could disclose such information for use in its Resolution Process.

LCC offers four categories of Informal Resolution:

1. **Supportive Resolution**. When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation.
2. **Educational Conversation**. When the Title IX Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant’s concerns and institutional expectations or can accompany the Complainant in their desire to confront the conduct.
3. **Accepted Responsibility**. When the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and LCC are agreeable to the resolution terms.
4. **Alternative Resolution**. When the Parties agree to resolve the matter through an alternative resolution mechanism, as described below.

The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision-maker, or Appeal Decision-maker.

It is not necessary to pursue Informal Resolution first in order to pursue a Hearing Resolution Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Hearing Resolution Process.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in the Hearing Process, should Informal Resolution not be successful, unless agreed to by all Parties.

If an investigation is already underway, the Title IX Coordinator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

Categories of Informal Resolution

### Supportive Resolution

The Title IX Coordinator will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant’s access to LCC’s education program and activity. Such measures can be modified as the Complainant’s needs evolve over time or circumstances change. If the Respondent has received the NOIA, the Title IX Coordinator may also provide reasonable supportive measures for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage the other resolution options, and the Title IX Coordinator does not initiate a Complaint.

### Educational Conversation

The Complainant(s) may request that the Title IX Coordinator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter, if it takes place. In light of this conversation, or the Respondent’s decision not to attend, the Title IX Coordinator may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of the recurrence of any behaviors that may not align with Policy.

### Accepted Responsibility[[4]](#footnote-5)

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for **all** alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator will determine whether Informal Resolution is an option.

If Informal Resolution is available, the Title IX Coordinator will determine whether all Parties and LCC are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of LCC Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate administrator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Resolution Process will either continue or resume.

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the discrimination or harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

### Alternative Resolution

The institution offers a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Title IX Coordinator or other appropriate LCC officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The Title IX Coordinator may consider the following factors to assess whether alternative resolution is appropriate, or which form of alternative resolution may be most successful for the Parties:

* The Parties’ amenability to alternative resolution
* Likelihood of potential resolution, considering any power dynamics between the Parties
* The nature and severity of the alleged misconduct
* The Parties’ motivation to participate
* Civility of the Parties
* Results of a violence risk assessment/ongoing risk analysis
* Respondent’s disciplinary history
* Whether an emergency removal or other interim action is needed
* Skill of the alternative resolution facilitator with this type of Complaint
* Complaint complexity
* Emotional investment/capability of the Parties
* Rationality of the Parties
* Goals of the Parties
* Adequate resources to invest in alternative resolution (e.g., time, staff)

The Title IX Coordinator has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties’ proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Title IX Coordinator will determine whether additional individual or community remedies are necessary to meet the institution’s compliance obligations in addition to the alternative resolution.

The Title IX Coordinator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). The results of Complaints resolved by alternative resolution are not appealable.

If an Informal Resolution option is not available or selected, LCC will initiate or continue an investigation and subsequent Resolution Process to determine whether the Policy has been violated.

# Resolution Process Pool

The Resolution Process relies on a pool of employees (“the Pool”) to carry out the process.[[5]](#footnote-6)

## Pool Member Roles

Members of the Pool are trained annually, and can serve in the following roles, at the discretion of the Title IX Coordinator:

* Appropriate intake of and initial guidance pertaining to Complaints
* Advisor to Parties
* Informal Resolution Facilitator
* Perform or assist with initial evaluation
* Investigator
* Hearing Facilitator
* Decision-maker for challenges to emergency removal and supportive measures
* Decision-maker
* Appeal of Dismissal Decision-maker
* Appeal Decision-maker

## Pool Member Appointment

The Title IX Coordinator, in consultation with senior administrators as necessary, appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different Complaints, LCC can also designate permanent roles for individuals in the Pool.

## Training (see [Appendix J](#_APPENDIX_J:_TRAINING) for details of training for Pool Members)

# Notice of Investigation and Allegations (NOIA)

Prior to an investigation, the Title IX Coordinator will provide the Parties with a detailed written NOIA. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. For climate/culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated.

The NOIA typically includes:

* A meaningful summary of all allegations
* The identity of the involved Parties (if known)
* The precise misconduct being alleged
* The date and location of the alleged incident(s) (if known)
* The specific policies/offenses implicated
* A description of, link to, or copy of the applicable procedures
* A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence
* The name(s) of the Investigator(s), along with a process to notify the Title IX Coordinator of any conflict of interest that the Investigator(s) may have in advance of the interview process
* A statement that LCC presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
* A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence
* A statement that retaliation is prohibited
* Information about the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share LCC work product obtained through the Resolution Process
* A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Resolution Process
* A statement informing the Parties that LCC’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
* Detail on how a party may request disability accommodations or other support assistance during the Resolution Process
* A link to LCC’s VAWA Rights and Options Brochure
* An instruction to preserve any evidence that is directly related to the allegations
* A statement that Parties who are members of a union are entitled to union representation throughout the process

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the Parties’ local or permanent address(es) as indicated in official LCC records, or emailed to the Parties’ LCC-issued email or designated accounts. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered.

# Resolution Timeline

LCC will make a good faith effort to complete the Resolution Process within 60-90 days, including any appeals, which the Title IX Coordinator can extend as necessary for appropriate cause. The Parties will receive regular updates on the progress of the Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within sixty (60) days, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

If a party or witness chooses not to participate in the Resolution Process or becomes unresponsive, LCC reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Resolution Process.

LCC may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. LCC will promptly resume its Resolution Process as soon as feasible. During such a delay, LCC will implement and maintain supportive measures for the Parties as deemed appropriate.

LCC action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

LCC will make a good faith effort to complete the Resolution Process as promptly as circumstances permit and will regularly communicate with the Parties to update them on the progress and timing of the process.

# Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process, including the Title IX Coordinator, Investigator(s), and Decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s), Decision-maker(s), and Appeal Decision-makers for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, the Parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Provost, Executive Director of Human Resources or designee(s).

The Resolution Process involves an objective evaluation of all available relevant and not otherwise impermissible evidence, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual’s status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

# Investigator Appointment

Once an investigation is initiated, the Title IX Coordinator appoints an Investigator(s) to conduct it. These Investigators may be members of the Resolution Process Pool, or any other properly trained Investigator, whether internal or external to LCC’s community.

# Witness Role and Participation in the Investigation

Employees (not including Complainant and Respondent) are required to cooperate with and participate in LCC’s investigation and Resolution Process. Student witnesses and witnesses from outside LCC community cannot be required to participate but are encouraged to cooperate with LCC investigations and to share what they know about a Complaint.

Interviews may be conducted in person, via online video platforms or, in limited circumstances, by telephone. LCC will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

# Interview Recording

It is standard practice for Investigators to create record of all interviews pertaining to the Resolution Process. The Parties may review copies of their own interviews, upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

All interviews are recorded, and all involved persons should be made aware of the audio and/or video recording. The recording and/or transcript of those meetings will be provided to the Parties for their review, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also recorded. The recording and/or transcript will be shared with the Parties.

# Evidentiary Considerations

The Investigator(s) and the Decision-maker(s) will only consider evidence that is deemed relevant and not otherwise impermissible.

Relevant Evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

Impermissible evidence is defined as evidence that relates to the Complainant’s sexual interests or prior sexual conduct, unless 1) evidence about the Complainant’s prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or 2) is evidence about specific incidents of the Complainant’s prior sexual conduct with the Respondent that is offered to prove consent.

The fact of prior consensual sexual conduct occurred between the Complainant and Respondent does not by itself demonstrate or imply the Complainant’s consent or preclude a determination that sex-based harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

# Respondent Admits Responsibility

At any point in the proceedings, if a Respondent elects to admit to the charged violations and waive further process, the Decision-maker is authorized to accept that admission, adopt it as their finding/final determination, and administer sanctions. This would waive the Respondent’s right to appeal. If the Respondent rejects the finding/final determination/sanctions, or does not admit to all conduct charged, the Resolution Process continues to its conclusion. The Complainant retains their right to appeal a determination when a Respondent admits responsibility.

# Investigation

All investigations are adequate, thorough, reliable, impartial, prompt, and fair. They involve interviewing all relevant Parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

LCC may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order:

* Determine the identity and contact information of the Complainant.
* Identify all offenses implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated.
* Assist the Title IX Coordinator, if needed, with conducting a prompt initial evaluation to determine if the allegations indicate a potential Policy violation.
* Work with the Title IX Coordinator, as necessary, to prepare the initial NOIA. The NOIA may be amended with any additional or dismissed allegations.
* Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.
* When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
* Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible.
* Interview the Complainant and the Respondent and conduct any necessary follow-up interviews with each.
* Interview all available, relevant witnesses and conduct follow-up interviews, as necessary.
* Provide each interviewed party and witness an opportunity to review and verify the Investigator’s summary notes (or transcript or recording) of the relevant evidence/testimony from their respective interviews and meetings.
* Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document which questions were asked with a rationale for any changes or omissions in the investigation report.
* Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
* Provide the Parties with regular status updates throughout the investigation.
* Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding.
* Ask the Parties to provide a list of questions they would like asked of the other party or any witnesses. The Investigator will ask those questions deemed relevant, and for any question deemed not relevant, will provide a rationale for not asking the question.
* Write a draft investigation report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation, and party and witness interviews, and provides all relevant evidence.
* Provide the Parties and their respective Advisors an electronic copy of the draft investigation report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of five (5) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
* The Investigator may share the investigation report with the Title IX Coordinator and/or legal counsel for their review and feedback.

# Hearing Resolution Process

## Live Hearing Requirements

The following provisions apply to a live hearing:

* **Hearing Venue Options and Recordings.** The live hearing may occur in person or via video technology. The Hearing Facilitator, the Decision-maker, and Parties must be able to simultaneously see and hear a party or witness while that person is speaking. Both options are considered fair and equitable. Alternative arrangements may also be made at the Title IX Coordinator’s discretion.
  + The Parties may make a request to the Title IX Coordinator that the hearing occur in person or via video technology, but they must do so at least five (5) business days prior to the hearing. The Title IX Coordinator retains discretion to determine whether the hearing will occur in person or via video technology.
  + All hearings will be recorded for note-taking purposes, and are not a part of the public record. An audio recording of the hearing will be maintained and made available to the parties for inspection and review upon request.
  + No unauthorized recordings are permitted.
* **Hearing Participants.** Persons who may be present for a hearing include the Decision-maker(s), hearing facilitator, Investigator(s), the Title IX Coordinator, the Parties and their Advisors, anyone providing authorized accommodations, interpretation, and/or assistive services, and anyone else deemed necessary by the hearing facilitator. Witnesses are present only during their portion of the testimony.
* **Advisors.** The Parties may have the assistance of an Advisor of their choosing at the hearing or can request that LCC appoint a trained Advisor for them. Appointed Advisors are not attorneys. If a party wishes to have an attorney as their Advisor, they must locate and pay for that attorney themselves. If a party decides not to have an Advisor, they will forfeit the option of asking questions of the other party at the hearing.
  + During the pre-hearing meeting and live hearing, Parties may only be accompanied by their Advisor. No other persons (e.g., additional support persons, advisors, friends, family) may accompany, attend, or listen in on the hearing unless explicitly authorized by the Title IX Coordinator, with each party being provided the same opportunity.
  + Parties and Advisors are permitted to have their phones and a laptop or tablet, but these should only be used during the hearing in a matter consistent with Policy.
  + [During the hearing, all questions that a party wishes to ask must be posed by the Advisor, not the Parties.
  + [If the party does not have an Advisor, the Title IX Coordinator will provide the party with an Advisor for the purpose of Advisor-conducted questioning.
* **Impact Statements.** Each party may submit an impact and/or mitigation statement to the Title IX Coordinator that the Decision-maker will review during any sanction determination.
  + Upon receipt of an impact and/or mitigation statement, the Title IX Coordinator will review the impact/mitigation statement to determine whether any immediate needs exist.
  + The Title IX Coordinator will only provide the impact statements to the Decision-maker if the Decision-maker determines that the Policy has been violated. When the Title IX Coordinator shares the impact statements with the Decision-maker, they will also be shared with the Parties.
* **Disability Accommodations and Other Assistance**. Parties should contact the Title IX Coordinator at least five (5) business days prior to the hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, if possible.
* **Conflicts of Interest or Bias.** The Decision-maker must not have a bias for or against complainants or respondents generally or the individual Complainant or Respondent in particular.
  + The Decision-maker must recuse themselves if such bias or conflict of interest exists.
  + If the Decision-maker believes there is possible conflict of interest or bias, they will consult with the hearing facilitator about possible recusal or removal.
  + The Parties may raise challenges that the Decision-maker is biased or has a conflict of interest. The Parties must raise challenges with the hearing facilitator within four (4) business days of receiving the hearing notice.
  + The hearing facilitator will only remove and replace a Decision-maker in situations of demonstrated bias or conflicts of interest. Perceptions of bias or conflict are not sufficient to cause removal.
  + If a Decision-maker recuses themselves as the result of a conflict of interest or bias, or is removed, the hearing facilitator will promptly appoint a new Decision-maker who does not have a conflict of interest or bias and notify the Parties accordingly.
* **Evidence Provided to Decision-****maker and Parties.**
  + The Decision-maker will be provided electronic copies of the Final Investigation Report and all relevant but not impermissible evidence, including the names of all Parties, witnesses, and Advisors, at least ten (10) business days in advance of the hearing.
  + The Parties will be provided with electronic copies of all the materials provided to the Decision-maker as part of the hearing notice, unless those materials have already been provided.[[6]](#footnote-7)

## Hearing Notice

The Title IX Coordinator will send the Parties a Notice of Hearing with sufficient time for the Parties to prepare for the hearing, typically at least ten (10) business days prior to the hearing. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The hearing notice includes:

* + A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
  + The time, date, and location of the hearing.
  + A description of any technology that will be used to facilitate the hearing.
  + Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigation Report, the Parties and witnesses participating in the hearing, the identity of the Decision-maker, details related to questioning, the role of Advisors, impact/mitigation statements, and how to request disability accommodations or other assistance.

## Witness Participation

Student witnesses are encouraged to participate in, and make themselves reasonably available for, the hearing. Employee witnesses are expected to participate in, and make themselves reasonably available for, the hearing. Witnesses may participate in-person or via video technology that allows the hearing facilitator, the Decision-maker, and the Parties to see and hear the witness while that person is speaking. Witnesses are not permitted to be accompanied by an advisor without express permission of the hearing facilitator. At the discretion of the hearing facilitator, a witness may join by phone if no other reasonable alternative is available.

If any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Title IX Coordinator may reschedule the hearing.

Hearings for possible violations that occur near or after the end of an academic semester (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of semester will typically be held after the end of the semester, including during the summer, as needed, to meet LCC’s resolution timeline and ensure a prompt resolution. Employees, including Parties and witnesses, who do not have 12-month contracts are still expected to participate in Resolution Processes that occur during months between contracts.

The Title IX Coordinator will notify all witnesses of their requested participation in the hearing at least four (4) business days prior to the hearing. Witnesses will be present for the hearing only during their testimony.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless:

* + All Parties and the Decision-maker assent to the new witness’s participation in the hearing without remanding the complaint back to the investigator, and
  + The Decision-maker deems the evidence presented by the new witness to be relevant, not impermissible, and not information already established in the record, and
  + The witness’s late involvement was not the result of bad faith by the witness, the Parties, or others.

If the above criteria are not met, but the witness’s evidence is deemed relevant, not impermissible, and not duplicative, the hearing facilitator may, at their discretion, engage in any of the following actions:

* + Delay the hearing.
  + Provide the Parties at least three (3) business days to review the relevant portions of the new witness’s statements, if such statements are submitted.
  + Remand the Complaint back to the Investigator for further investigation or verification.
  + Allow the Parties to review and comment on the testimony of the new witness.

If the evidence is deemed not relevant or impermissible, the hearing facilitator may proceed with the hearing absent the new witness’s participation.

## Pre-Hearing Meetings

The hearing facilitator will offer to convene a pre-hearing meeting(s) with the Parties and their Advisors and invite them to submit the questions or topics they wish to ask or discuss at the hearing. This allows the hearing facilitator to consider their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Parties from submitting a question at the hearing for the first time or asking for a reconsideration on a hearing facilitator’s pre-hearing decision based on any new information or testimony offered at the hearing. The hearing facilitator will document and share their rationale for any evidence or question exclusion or inclusion, if any, at a pre-hearing meeting with each party.

The hearing facilitator will work with the Parties to finalize a witness list for the hearing, and the Title IX Coordinator will notify any witnesses of the hearing’s logistics. The hearing facilitator, only with the agreement of all Parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the Final Investigation Report or during the hearing, and their presence is not essential to assess their credibility.

Pre-hearing meeting(s) will not be recorded. The pre-hearing meetings will typically be conducted as separate meetings with each party/Advisor, and can be done remotely, or as a written communication exchange. The hearing facilitator will work with the Parties to establish the format and timing of the meetings and will circulate a summary of any rulings made to ensure all Parties and Advisors are aware.

## Hearing Procedures

### Evidentiary Considerations

The Parties must provide all evidence to the Investigator(s) prior to completing the Final Investigation Report. Evidence offered after that time will be evaluated by the hearing facilitator for relevance. If deemed relevant and not impermissible, the Parties and hearing facilitator must agree to admit it into the record. If the evidence is deemed not relevant or impermissible, the hearing facilitator may proceed with the hearing absent the new evidence.

The new relevant evidence will be admitted to the record if:

* + All Parties and the hearing facilitator assent to the new evidence being included in the hearing without remanding the Complaint back to the investigator, and
  + The evidence is not duplicative of evidence already in the record, and
  + It is not impermissible, and
  + The new evidence was either not reasonably available prior to the conclusion of the Final Investigation Report, or the failure to provide it in a timely manner was not the result of bad faith by the Parties, witnesses, or others.

If the above criteria are not met, but the evidence is deemed materially relevant and not duplicative, the hearing facilitator may, at their discretion, engage in any of the following actions:

* + Delay the hearing.
  + Provide the Parties with at least three (3) business days to review the relevant evidence.
  + Remand the Complaint back to the Investigator for further investigation or analysis.
  + Allow the Parties to review and comment on the new evidence.

If the evidence is deemed not relevant or impermissible, the hearing facilitator may proceed with the hearing without allowing the new evidence.

### Collateral Misconduct

TheDecision-maker has the authority to hear and make determinations on all allegations of discrimination, harassment, retaliation, and Other Prohibited Behavior under the Policy and may also hear and make determinations on any additional alleged collateral misconduct that occurred in concert with the discrimination, harassment, retaliation, or Other Prohibited Behavior, even though those collateral allegations may not specifically fall within the Policy.

### Joint Hearings

In Complaints involving more than one Respondent and/or involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent or Complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each Complaint with respect to each alleged Policy violation.

### Introductions and Hearing Procedure Explanation

The hearing facilitator will explain the hearing procedures and introduce the participants. The hearing facilitator will answer any procedural questions prior to and as they arise throughout the hearing.

### Investigator Presentation of Final Investigation Report

The Investigator(s) will present a summary of the Final Investigation Report, including a review of the facts that are contested and those that are not. The Investigator may be questioned first by the Decision-maker and then by the Parties. The Investigator may attend the duration of the hearing or be excused after their testimony at the Hearing Facilitator’s discretion.

### Testimony and Questioning

The Parties and witnesses may provide relevant information in turn, beginning with the Complainant’s opening statement, then the Respondent’s, and then questioning in the order determined by the hearing facilitator. The hearing facilitator will facilitate questioning of the Parties and witnesses first by the Decision-maker and then by the Parties through their Advisors.

All questions must be directed toward and asked through the hearing facilitator and are subject to a relevance determination before they are asked. The hearing facilitator will determine the method by which the Parties will submit their questions to the hearing facilitator for their review and, if approved, to be posed. Questions that the Parties wish to have posed can be questions for that party themselves, another party, or witnesses.

The hearing facilitator will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The hearing facilitator will limit or disallow questions they deem not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive. The hearing facilitator has final say on all questions and determinations of relevance and appropriateness. The hearing facilitator may consult with legal counsel on any questions of admissibility.

The Decision-maker then poses the questions deemed relevant, not impermissible, and appropriate to the party and/or witness.

If the Parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the hearing facilitator may elect to address those issues, consult with legal counsel, refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not an issue at the hearing, the hearing facilitator should not permit irrelevant questions that probe for Investigator bias.

The hearing facilitator will allow witnesses who have relevant and not impermissible information to appear at a portion of the hearing to respond to specific questions from the Decision-maker and the Parties, and the witnesses will then be excused.

### Refusal to Submit to Questioning and Inferences

Any party or student witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. Employee witnesses are required to participate in the hearing if they are reasonably available. The Decision-maker can only rely on the available relevant and not impermissible evidence in making the ultimate determination of responsibility. The Decision-maker may not draw any inference **solely** from a party’s or witness’s absence from the hearing or refusal to answer any or all questions.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared.

### Hearing Recordings

LCC records hearings (but not deliberations) for purposes of review in the event of an appeal. No unauthorized audio or video recording of any kind is permitted during the hearing.

The Decision-maker, the Parties, their Advisors, Appeal Decision-makers, and other appropriate LCC officials will be permitted to review the recording or review a transcript of the recording upon request to the Title IX Coordinator. No unauthorized disclosure, including sharing, copying, or distribution of the recording or transcript, is permitted.

## Deliberation and Determination

After closing statements from the Parties, the Decision-maker will deliberate in closed session to determine whether the Respondent is responsible for the alleged Policy violation(s) based on the standard of proof. If a panel is used, a simple majority vote is required to determine the finding. Deliberations are not recorded.

When there is a finding of responsibility for one or more of the allegations, the Decision-maker may then consider any previously submitted impact and/or mitigation statement(s) provided by the Parties in determining appropriate sanction(s). The Title IX Coordinator will ensure that any submitted statements are exchanged between the Parties if they are viewed by the Decision-maker. Impact/mitigation statements do not influence the finding, they only potentially influence the sanctions.

The Decision-maker will then prepare and provide the Title IX Coordinator with a written outcome detailing all findings and final determinations, the rationale(s) explaining the decision(s), and any sanction(s) and rationales explaining the sanction(s).

This statement is typically submitted to the Title IX Coordinator within ten (10) business days from the conclusion of the hearing, unless the Title IX Coordinator grants an extension. The Title IX Coordinator will notify the Parties of any extension.

# Sanctions

Factors the Decision-maker may consider when determining sanctions and responsive actions include, but are not limited to:

* The nature, severity of, and circumstances surrounding the violation(s)
* The Respondent’s disciplinary history
* The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
* The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
* The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
* The impact on the Parties
* The Respondent’s acceptance of responsibility
* Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

## Student Sanctions

The following are the common sanctions that may be imposed upon students singly or in combination:

* *Written Warning*: A written notice to the student that the student has violated College regulations.
* *Probation*: A period of observation and review during which the student or student group or organization must demonstrate compliance with College standards. Probation is for a designated period of time and includes the probability of additional sanctions if the student or student group or organization is found to violate any College regulation(s) during the probationary period. Probation may be issued for any violation(s), but will be issued for all alcohol and drug violations and all violations resulting in suspension or dismissal.
* *Restrictions* - Denial of access to specific areas of the College or participation in certain groups or activities for a designated period of time and for clearly stated reasons.
* *Discretionary Sanctions- educational assignments, essays, or other related discretionary assignments:* Discretionary sanctions may be issued for any violation(s). Discretionary sanctions for drug and alcohol offenses specifically, may include assignments, essays, informational meetings, meeting with an LCC Counselor to discuss drug and alcohol abuse, Random Preliminary Breath Test (PBT), and completion of community drug and/or alcohol rehabilitation programs, and education programs. Discretionary sanctions for sexual misconduct offenses specifically, may include meeting with an LCC Counselor to discuss sexual harassment and/or completion of education programs.
* *No contact order* – an order prohibiting contact between the responding student and the complainant, witnesses, and/or other individuals including any/all unwarranted communications between the parties including, but not limited to, communication via technology, third party communication, or face to face.
* *Suspension*: Separation of the student from the College for a specified length of time (usually a year or less) after which the student is eligible to return. Conditions for readmission may be specified. Suspensions may be effective immediately or deferred (e.g., a suspension issued toward the end of a semester may be deferred to the day after the end of that semester). *When students are issued a suspension, re-entry to the College is determined at the return from suspension meeting with the Office of Student Compliance. All sanctions must be completed prior to the return from suspension meeting. The College does not have a specific re-entry program for students with alcohol and drug violations beyond what is listed here.*
* *Dismissal:* - Separation of the student from the College for a year or more. The student may be eligible for return. Conditions for readmission may be specified. Dismissals will be effective immediately. *When students are issued a dismissal, re-entry to the College is determined at the return from dismissal meeting with the Office of Student Compliance. All sanctions must be completed prior to the return from dismissal meeting. The College does not have a specific re-entry program for students with alcohol and drug violations beyond what is listed here.*
* *Expulsion*: Termination of the student from the college permanently. Expulsions will be effective immediately.
* *Revocation of Admission and/or Degree* - Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
* *Withholding Degree or Certificate*: The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.

## Student Group and Organization Sanctions

The following are the common sanctions that may be imposed upon student groups or organizations singly or in combination:

* *Sanctions listed in section 23.A.*
* *Loss of selected rights and privileges for a specified* *period of time*
* *Loss of Recognition:* Registered Student Organizations may lose recognition and will be deprived of the use of College resources, the use of the College’s name, and the right to participate in College or campus-sponsored activities. The loss of recognition may be for a specific period of time or for an indefinite period of time until stated all conditions are met.

## Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in discrimination, harassment, and/or retaliation include:

* *Verbal or Written Warning*
* *Performance Improvement Plan/Management Process*
* *Enhanced Supervision, Observation, or Review*
* *Required Counseling*
* *Required Training or Education*
* *Probation*
* *Denial of Pay Increase/Pay Grade*
* *Loss of Oversight or Supervisory Responsibility*
* *Demotion*
* *Transfer*
* *Shift or schedule adjustments*
* *Reassignment*
* *Assignment to a New Supervisor*
* *Restriction of Stipends, and/or Professional Development Resources*
* *Suspension/Administrative Leave with Pay*
* *Suspension/Administrative Leave without Pay*
* *Termination*
* *Other Actions: In addition to or in place of the above sanctions/responsive actions, LCC may assign any other responsive actions as deemed appropriate.*

# Notice of Outcome

Within ten (10) business days of the conclusion of the Resolution Process, the Title IX Coordinator provides the Parties with a written outcome notification. The outcome notification will specify the finding for each alleged Policy violation, all applicable sanctions that LCC is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Decision-maker, supporting the findings to the extent LCC is permitted to share under federal or state law.

The notification will also detail the Parties’ equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no party appeals.

The Title IX Coordinator will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more of the following methods: in person, mailed to the Parties’ local or permanent address as indicated in official LCC records, or emailed to the Parties’ LCC-issued or designated email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

# Withdrawal or Resignation Before Complaint Resolution

## Students

Should a student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from LCC, the Resolution Process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, LCC will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, the LCC will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When a student withdraws or leaves while the process is pending, the student may not return to LCC in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Title IX Coordinator has discretion to dismiss the Complaint. The Registrar, Office of Admissions, and HR may be notified, accordingly.

If the student Respondent takes a leave for a specified period of time (e.g., up to one semester or more), the Resolution Process may continue remotely. If found in violation, that student is not permitted to return to LCC unless and until all sanctions, if any, have been satisfied.

## Employees

Should an employee Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent leaves their employment with LCC with unresolved allegations pending, the Resolution Process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, LCC may still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When an employee resigns and the Complaint is dismissed, the employee may not return to LCC in any capacity. The Registrar, Office of Admissions, and HR will be notified, accordingly. A note will be placed in the employee’s file that they resigned with allegations pending and are not eligible for academic admission or rehire with LCC. The records retained by the Title IX Coordinator will reflect that status.

# Appeal of the Determination

The Title IX Coordinator will designate an Appeal Decision-maker (trained internal or external individuals), to hear the appeal. No Appeal Decision-maker(s) will have been previously involved in the Resolution Process for the Complaint, including in any supportive measure challenge or dismissal appeal that may have been decided earlier in the process.

## Appeal Grounds

Appeals are limited to the following grounds:

1. A procedural irregularity that would change the outcome.
2. New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility was made.
3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific Complainant or Respondent that would change the outcome.
4. The sanctions fall outside the range of sanctions designated for this offense, considering the cumulative conduct/disciplinary record of the Respondent (applicable to sanctions of suspension, expulsion, or termination, only).

## Request for Appeal

Any party may submit a written request for appeal (“Request for Appeal”) to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Decision-maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the Request for Appeal meets the grounds in this Policy, then the Appeal Decision-maker will notify all Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker.

All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Decision-maker will be provided a copy of the Request for Appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Decision-maker will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Decision-maker to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

## Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions apply the Preponderance of the evidence standard of proof.

An appeal is not an opportunity for the Appeal Decision-makers to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s).

The Appeal Decision-maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

## Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the Title IX Coordinator (as in cases of bias), the Appeal Decision-maker may order a new investigation and/or a new determination with new Pool members serving in the Investigator and Decision-maker roles.

A Notice of Appeal Outcome letter (“Appeal Outcome”) will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which LCC is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent LCC is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties’ local or permanent address as indicated in official institutional records, or emailed to the Parties’ LCC-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the four (4) available appeal grounds.

## Sanction Status During the Appeal

Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal procedures (detailed above) for a “show cause” meeting on the justification for doing so must be permitted within three (3) business days of implementation.

# Long-Term Remedies/Other Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented or Informal Resolution terms, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the Parties and/or LCC community that are intended to stop the discrimination, harassment, and/or retaliation, remedy the effects, and prevent recurrence.

These remedies/actions may include, but are not limited to:

* Referral to counseling and health services
* Referral to the Employee Assistance Program
* Course and registration adjustments, such as retroactive withdrawals
* Education to the individual and/or the community
* Permanent alteration of work arrangements for employees
* Provision of campus safety escorts
* Policy modification and/or training
* Provision of transportation assistance
* Implementation of long-term contact limitations between the Parties
* Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term supportive measures may also be provided to the Parties even if no Policy violation is found.

When no Policy violation is found, the Title IX Coordinator will address any remedies LCC owes the Respondent to ensure no effective denial of educational access.

LCC will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair LCC’s ability to provide these services.

# Failure to Comply with Sanctions, Responsive Actions, and/or Informal Resolution Terms

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified by the final Decision-maker(s), including the Appeal Panel or Decision-maker or the Informal Resolution agreement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or for any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from LCC.

Supervisors are expected to enforce the completion of sanctions/responsive actions for their employees.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Title IX Coordinator’s satisfaction.

# Recordkeeping

For a period of at least seven (7) years following the conclusion of the Resolution Process, the LCC will maintain records of:

1. Each discrimination, harassment, and retaliation resolution process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation.
2. Any disciplinary sanctions imposed on the Respondent.
3. Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to LCC’s education program or activity.
4. Any appeal and the result therefrom.
5. Any Informal Resolution and the result therefrom.
6. All materials used to provide training to the Title IX Coordinator, Title IX Coordinator and designees, Investigators, Decision-makers, Appeal Decision-makers, Informal Resolution Facilitators, and any person who is responsible for implementing LCC’s Resolution Process, or who has the authority to modify or terminate supportive measures. LCC will make these training materials available for review upon request.
7. All materials used to train all employees consistent with the requirements in the Title IX Regulations.

The LCC will also maintain any and all records in accordance with federal and state laws.[[7]](#footnote-8)

# Accommodations and Support During the Resolution Process

Disability Accommodations

LCC is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to LCC’s Resolution Process.

Anyone needing such accommodations or support should contact the Title IX Coordinator, who will refer the request to the appropriate department/staff to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation.

Other Support

LCC will also address reasonable requests for support for the Parties and witnesses, including:

* Language services/Interpreters
* Access and training regarding use of technology throughout the Resolution Process
* Other support as deemed reasonable and necessary to facilitate participation in the Resolution Process

# Revision of these Procedures

These procedures succeed any previous procedures addressing discrimination, harassment, and retaliation for incidents occurring on or after August 1, 2024. The College will regularly review and update these procedures. LCC reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If governing laws or regulations change, or court decisions alter, the requirements in a way that impacts this document, this document will be construed to comply with the most recent governing laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background federal and state laws that frame such policies and codes, generally.

These procedures are effective 08-01-2024.

# APPENDIX A: DEFINITIONS

The following definitions apply to the nondiscrimination Policies and Procedures:

* ***Advisor.*** Any person chosen by a party, or appointed by the institution, may accompany the party to all meetings related to the Resolution Process and advise the party on that process.
* ***Title IX Coordinator.*** Is the College’s designee to address sex discrimination, including sex based harassment, the dissemination of the College’s non-discrimination policy and contact information. As used in these policies and procedures, the “Title IX Coordinator” also includes their designee(s).
* ***Appeal Decision-maker.*** The person who accepts or rejects a submitted appeal request, determines whether any of the appeal grounds are met, and directs responsive action(s), accordingly.
* ***Complainant.***A student or employee who is alleged to have been subjected to conduct that could constitute discrimination, harassment, retaliation, or Other Prohibited Conduct under the Policy; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination or harassment under the Policy and who was participating or attempting to participate in LCC’s education program or activity at the time of the alleged discrimination, harassment, retaliation, or Other Prohibited Conduct.
* ***Complaint.*** An oral or written request to LCC that can objectively be understood as a request for LCC to investigate and make a determination about the alleged Policy violation(s).
* ***Confidential Employee.***
  + An employee whose communications are privileged or confidential under federal or state law. The employee’s confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
  + An employee whom LCC has designated as confidential under this Policy for the purpose of providing services to persons related to discrimination, harassment, retaliation, or Other Prohibited Conduct. If the employee also has a duty not associated with providing those services, the employee’s confidential status only applies with respect to information received about discrimination, harassment, retaliation, or Other Prohibited Conduct in connection with providing those services; or
  + An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, retaliation, or Other Prohibited Conduct. The employee’s confidential status only applies with respect to information received while conducting the study.
* ***Day.*** A Business day when LCC is in normal operation. All references in the Policy to days refer to Business days unless specifically noted as calendar days.
* ***Decision-maker.*** The person or panel who reviews evidence, determines relevance, and makes the Final Determination of whether Policy has been violated and/or assigns sanctions.
* ***Education Program or Activity.*** Locations, events, or circumstances where LCC exercises substantial control over the context in which the discrimination, harassment, retaliation, and/or or Other Prohibited Conduct occurs and also includes any building owned or controlled by a student organization that LCC officially recognizes.
* ***Employee.*** A person employed by LCC either full- or part-time, including student employees when acting within the scope of their employment.
* ***Equal Opportunity Officer***- EOO Coordinator means the Administrative Service Officer who is receiving complaints, determining applicability under the complaint system, reviewing or investigating, and tracking the processing of complaints.
* ***Final Determination*.** A conclusion by the standard of proof that the alleged conduct did or did not violate Policy.
* ***Finding.*** A conclusion by the standard of proof that the conduct did or did not occur as alleged (as in a “finding of fact”).
* ***Informal Resolution.*** A resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a Final Determination in the Resolution Process.
* ***Investigation Report.*** The Investigator’s summary of all relevant evidence gathered during the investigation. Variations include the Draft Investigation Report and the Final Investigation Report.
* ***Investigator.*** The person(s) authorized by LCC to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an Investigation Report.
* ***Knowledge.*** When LCC receives Notice of conduct that reasonably may constitute harassment, discrimination, retaliation, or Other Prohibited Conduct in its Education Program or Activity.
* ***Mandated Reporter.*** A LCC employee who is obligated by Policy to share Knowledge, Notice, and/or reports of sex discrimination, harassment, retaliation, and/or Other Prohibited Conduct with the Title IX Coordinator.[[8]](#footnote-9),[[9]](#footnote-10)
* ***Nondiscrimination Team*. Equal Opportunity Officer,** The Title IX Coordinator, any deputy coordinators, and any member of the resolution pool.
* ***Notice.*** When an employee, student, or third party informs the Title IX Coordinator of the alleged occurrence of discriminatory, harassing, retaliatory, or Other Prohibited Conduct.
* ***Parties.*** The Complainant(s) and Respondent(s), collectively.
* ***Pregnancy or Related Conditions.*** Pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom.
* ***Protected Characteristic*.** Any characteristic for which a person is afforded protection against discrimination and harassment by law or LCC Policy.
* ***Relevant Evidence.*** Evidence that may aid a Decision-maker in determining whether the alleged discrimination, harassment, retaliation, or Other Prohibited Conduct occurred, or in determining the credibility of the Parties or witnesses.
* ***Remedies.*** Typically, post-resolution actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore or preserve equal access to LCC’s Education Program and Activity.
* ***Resolution Process.*** The investigation and resolution of allegations of prohibited conduct under this Policy, including Informal Resolution, Administrative Resolution, and/or Hearing Resolution.
* ***Respondent.*** A person determined to be under the jurisdiction of LCC who is alleged to have engaged in conduct that could constitute discrimination based on a protected characteristic, harassment, retaliation, or Other Prohibited Conduct for engaging in a protected activity under this Policy.
* ***Sanction.*** A consequence imposed on a Respondent who is found to have violated this Policy.
* ***Sex.*** Sex assigned at birth, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
* ***Student.*** Any person who has gained admission.
* ***Title IX Coordinator***. At least one official designated by LCC to ensure ultimate oversight of compliance with Title IX and LCC’s Title IX program. References to the Coordinator throughout the Policy may also encompass a designee of the Coordinator for specific tasks.

# APPENDIX D: STATEMENT OF THE PARTIES’ RIGHTS

**Under this Policy and procedures, the Parties have the right to:**

* An equitable investigation and resolution of all credible allegations of prohibited discrimination, harassment, retaliation, and Other Prohibited Conduct, when reported in good faith to LCC officials.
* Timely written notice of all alleged violations, including the identity of the Parties involved (if known), the specific misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated Policies and procedures, and possible sanctions.
* Timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants) by updating the Notice of Investigation and Allegation(s) (NOIA) as needed to clarify potentially implicated Policy violations.
* Be informed in advance of any LCC public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
* Have all personally identifiable information protected from LCC’s release to the public without consent, except to the extent permitted by law.
* Be treated with respect by LCC officials.
* Have LCC Policy and these procedures followed without material deviation.
* Voluntarily agree to resolve allegations under this Policy through Informal Resolution without LCC pressure, if Informal Resolution is approved by the Title IX Coordinator.
* Not be discouraged by LCC officials from reporting discrimination, harassment, retaliation, and Other Prohibited Conduct to both on-campus and off-campus authorities.
* Be informed of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by LCC in notifying such authorities, if the party chooses. This also includes the right to not be pressured to report.
* Have allegations of violations of this Policy responded to promptly and with sensitivity by LCC law enforcement, security, and/or other LCC officials.
* Be informed of available supportive measures, such as counseling, advocacy, health care, student financial aid, visa and immigration assistance, and/or other services, both on-campus and in the community.
* An LCC-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.

Be informed of available assistance in changing academic, and/or employment situations after an alleged incident of discrimination, harassment, retaliation, and/or Other Prohibited Conduct if such changes are reasonably available. No formal report, or investigation, either institutional or criminal, needs to occur for this option to be available. Such actions may include, but are not limited to:

* + Referral to counseling, medical, and/or other healthcare services
  + Referral to the Employee Assistance Program
  + Referral to community-based service providers
  + Visa and immigration assistance
  + Student financial aid counseling
  + Education to the institutional community or community subgroup(s)
  + Altering work arrangements for employees or student-employees
  + Safety planning
  + Providing campus safety escorts
  + Providing transportation assistance
  + Implementing contact restrictions (no contact orders) between the parties
  + Academic support, extensions of deadlines, or other course/program-related adjustments
  + Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
  + Timely warnings
  + Class schedule modifications, withdrawals, or leaves of absence
  + Increased security and monitoring of certain areas of the campus
  + Any other actions deemed appropriate by the Administrator
* Have LCC maintain supportive measures for as long as necessary, ensuring they remain confidential, provided confidentiality does not impair LCC’s ability to provide the supportive measures.
* Provide the parties with a timely opportunity to seek modification or reversal of the College’s decision to provide, deny, modify, or terminate supportive measures applicable to them.
* Receive sufficiently advanced written notice of any LCC meetings or interviews involving another party, when possible.
* Identify and have the Investigator(s) and/or Decision-maker question relevant available witnesses, including expert witnesses.
* Provide the Investigator(s)/Decision-maker with a list of questions that, if deemed relevant and permissible by the Investigator(s)/Decision-maker, may be asked of any party or witness.
* Have Complainant’s inadmissible sexual interests/prior sexual history or any Party’s irrelevant character evidence excluded by the Decision-maker.
* Access the relevant evidence obtained and respond to that evidence.
* A fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
* Receive a copy of all relevant and permissible evidence obtained during the investigation, subject to privacy limitations imposed by federal and state law and be given five (5) business days to review and comment on the evidence.
* The right to receive a copy of the Final Investigation Report, including all factual, Policy, and/or credibility analyses performed, [and to have at least five (5) business days to review the report prior to the determination.
* Be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
* Regular status updates on the investigation and/or Resolution Process.
* Have reports of alleged Policy violations addressed by Resolution Process Pool members who have received relevant annual training as required by law.
* A Decision-making panel that is not single sex in its composition, if a panel is used.
* Preservation of confidentiality/privacy, to the extent possible and permitted by law.
* Meetings, interviews, and/or hearings that are closed to the public.
* Petition that any LCC representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
* Be able to select an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
* Apply the appropriate standard of proof, Preponderance of the evidence, to make a Finding and Final Determination after an objective evaluation of all relevant and permissible evidence.
* Be present, including presence via remote technology, during all testimony given and evidence presented during any live hearing.
* Have an impact and/or mitigation statement considered by the Decision-maker following a determination of responsibility for any allegation, but prior to sanctioning.
* Be promptly informed of the Resolution Process finding(s) and sanction(s) (if any) and be given a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written outcome letter delivered to the Parties simultaneously (without undue delay).
* Be informed in writing of when a LCC decision is considered final and any changes to the Final Determination or sanction(s) that occur post outcome letter delivery.
* Be informed of the opportunity to appeal the Resolution Process finding(s) and sanction(s), and the procedures for doing so in accordance with LCC’s grounds for appeal.
* A fundamentally fair resolution as defined in these procedures.

1. If circumstances require, the Provost, Executive Director of Human Resources or designee(s) or Title IX Coordinator will designate another person to oversee the Resolution Process should an allegation be made about the Title IX Coordinator or the Title IX Coordinator be otherwise unavailable, unable to fulfill their duties, or have a conflict of interest. [↑](#footnote-ref-2)
2. See detailed information regarding Violence Risk Assessment in [Appendix G](#_APPENDIX_G:_VIOLENCE) [↑](#footnote-ref-3)
3. “Available” means the party cannot insist on an Advisor who simply doesn’t have inclination, time, or availability. The Advisor cannot have institutionally conflicting roles, such as being an administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions. Additionally, choosing an Advisor who is also a witness in the process creates potential for bias and conflicts of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-maker(s). [↑](#footnote-ref-4)
4. In [Section 20](#Section20) below, there is a description of a process to waive the decision-making step of the Resolution Process if a Respondent decides to admit to violating the charged Policies. That section and this one are similar, but there are meaningful differences. In this section, the Parties must agree to the resolution, and the Respondent in essence self-sanctions as part of the Informal Resolution by agreeing to voluntarily comply with whatever the terms are to which the Parties agree. Section 20, in contrast, is unilateral. Neither the Complainant nor the Title IX Coordinator determine eligibility. It is simply a waiver of steps in the process by the Respondent, who can admit violations and accept sanctions assigned by the Decision-maker, if they choose to. No Complainant approval is sought or needed. Under Section 20, the outcome involves sanctioning imposed by LCC, rather than an agreement to self-sanction, as outlined in this section. [↑](#footnote-ref-5)
5. External, trained third-party neutral professionals may also be used to serve in Resolution Pool roles.

   This does not preclude LCC from having all members of the Pool go through an application and/or interview/selection process. [↑](#footnote-ref-6)
6. Hard-copy materials may be provided upon request to the Title IX Coordinator. The Final Investigation Report and relevant evidence may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing. [↑](#footnote-ref-7)
7. A model record maintenance and access policy can be found in [Appendix I](#_APPENDIX_I:_ATIXA). [↑](#footnote-ref-8)
8. Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of persons with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility under this Policy. [↑](#footnote-ref-9)
9. The Title IX Coordinator designated to receive information from Mandated Reporters may vary depending upon the type of alleged discrimination, harassment, or retaliation (e.g., on the basis of sex, on the basis of race, on the basis of disability). [↑](#footnote-ref-10)