***Section 5-12 Title IX Policy***

1. **Introduction**

Carl Albert State College is committed to providing students, employees, and visitors educational and working environments free from discrimination, both in and out of the classroom. In compliance with all applicable federal and state laws and regulations, the College does not discriminate on the basis of race, color, national origin, religion, sex, age, disability or status as a veteran. Inquiries about non-discrimination policies can be addressed with the Human Resources Director, 918-647-1373, 1507 S McKenna, Poteau, OK 74953, or F.L. Holton Business Center, Room BC866D. Inquiries regarding sex discrimination, sexual harassment, sexual assault, pregnancy, domestic violence and dating violence, and stalking can be addressed with the Title IX Coordinator, 918-647-1474, 1507 S McKenna, Poteau, OK 74953, or F.L.Holton Business Center, Room BC866F, or send an email to title9@carlalbert.edu.
Title IX determines, *“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”*

Carl Albert State College will not tolerate nor condone any form of sexual misconduct, whether physical, mental or emotional in nature. This includes, but is not limited to, sexual harassment as defined below, dating violence, stalking, and domestic violence. Even if law enforcement and criminal justice authorities choose not to prosecute a particular matter, the college may still pursue the matter as a student misconduct concern warranting non-academic disciplinary action by the institution, or an employee misconduct concern warranting disciplinary action. Where it is determined that sexual harassment, as defined by the Department of Education Office of Civil Rights (OCR), is more likely than not to have occurred, college disciplinary sanctions can include suspension or expulsion for students, or suspension or termination for employees.

The OCR has determined that the nature of sexual harassment & assault crimes require judicial proceedings that differ from the procedures followed for other violations or harassment that is not elevated to the level of the Title IX definition of sexual harassment.

1. **Definitions**
2. **Complainant** shall mean an individual who is *alleged* to be the victim of conduct that could constitute sexual harassment.
3. **Respondent** shall mean an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
4. **Actual Knowledge** shall mean notices of sexual harassment or allegations of sexual harassment to the College’s Title IX Coordinator or any official of the College who has the authority to institute corrective measures on behalf of the College. The College will recognize the following administrative positions as Officials with authority to institute corrective measures:
 Title IX Coordinator

Deputy Title IX Coordinator

Vice President for Student Affairs

 Vice President for Academic Affairs

 Human Resources Director

1. **Advisor** shall meana person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, and to conduct cross-examination for the party at the hearing, if any.
2. **College** shall mean Carl Albert State College**.**
3. **Formal Complaint** shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College with which the formal complaint is filed.
4. **Investigator** shall mean the person or persons charged by the College with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
5. **Investigative Report** shall mean **t**he report of investigation prepared by an investigator after a formal complaint is filed, processed, and investigated.
6. **Parties** shall mean the Complainant and Respondent collectively.
7. **Sexual Harassment** shall mean conduct on the basis of sex that satisfies one or more of the following:
8. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e. *quid pro quo*);
9. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the educational institution’s education program or activity, or
10. Sexual assault (as defined in the CLERY Act), or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA). (see definitions below)
11. **Supportive Measures** shall mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are kept confidential as much as possible.
12. **Serious personal injury** shall include physical injuries, psychological stress, or other physical or mental trauma, pregnancy, disease, or loss of impairment of a sexual or reproductive organ.
13. **Personal injury** shall include minor physical injuries, psychological stress, or other physical or mental problems resulting from the assault.
14. **Dating Violence** shall mean violence committed by a person who has been in 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.
15. **Stalking** shall mean a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others’ safety, or to suffer substantial emotional distress.
	1. 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.
	2. Reasonable person means a person under similar circumstances and with similar identities to the victim.
	3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
16. **Domestic Violence** shall include asserted violence misdemeanor and felony offenses committed by the victim’s current or former spouse or intimate partner of the victim, person with whom the victim shares a child in common, current or former cohabitant as a spouse or intimate partner, person similarly situated to a spouse of the victim under domestic or family violence laws of Oklahoma, or anyone else protected under domestic or family violence laws of Oklahoma.
17. **Consent** shall be considered effective consent when informed, freely and actively given, using mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Initiators of sexual activity are responsible for obtaining effective consent Silence or passivity is not effective consent. The use of intimidation, coercion, threats, force, or violence negates any consent obtained. Consent is not effective if obtained from an individual who is incapable of giving consent due to lack of consciousness, age, mental disability, or incapacitation due to the use of drugs or alcohol. The determination regarding the presence or absence of consent shall be based upon the totality of the circumstances present in a particular case, including the context in which the alleged incident occurred.
18. **Coercion** shall mean the use of pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include psychological or emotional pressure, physical or emotional threats, intimidation, manipulation, or blackmail that causes the person to engage in unwelcome sexual activity.
19. **Force** shall mean the use of violence or intimidation to overcome an individual’s free will to choose whether to participate in an activity. It can also include threats, intimidation (implied threats) and coercion that is intended to overcome resistance or produce consent. Sexual activity by force is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent.
20. **Incapacitation -** occurs when an individual is incapable, whether temporarily or permanently, of appraising or controlling their conduct due to the influence of drugs or alcohol, unconsciousness, being asleep, or for any other reason that makes the individual physically or verbally unable to communicate willingness to act.
21. **Intimidation** shall mean unlawfully placing another person in reasonable fear or bodily harm through the use of threatening words and/or other conduct.
22. **Written Notice of Allegation** shall mean the notice provided to the complainant and respondent (after receipt of a formal complaint), informing the parties of the College grievance process and providing sufficient details of the sexual harassment allegations being investigated.
23. **Violations**

Incidents defined in subsection B as sexual harassment, dating violence, stalking, domestic violence, or sexual assault will be considered a violation of policy. Due to the sensitive and often violent nature of incidents involving sexual assault, the following definitions are provided for informational use by students and for guidance in the investigation and adjudication of alleged cases of sexual assault. It is possible a particular action may constitute sexual assault even if not specifically mentioned in the examples.

1. Rape - 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 the victim;
2. Sodomy - oral or anal intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of her/her age or because of his/her temporary or permanent disability;
3. Sexual assault with an object - To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without his or her consent, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;
4. Sexual battery shall mean - the intentional touching, mauling, or feeling of the body or private parts of any person for the purpose of sexual gratification, in a lewd and lascivious manner and without the consent of that person. Sexual battery includes, but is not limited to, the touching of a person’s genitalia, buttocks, or breasts.
5. Incest – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
6. Statutory rape – sexual intercourse with a person who is under the statutory age of consent.
7. **Jurisdiction**
8. Only those alleged sexual harassment incidents falling within the above definition of Sexual Harassment will be investigated and, if appropriate, brought to a live hearing with Cross-examination through this Title IX Grievance Policy.
9. This policy only applies to sexual harassment in an education program or activity of the College against a person in the United States**.**
10. This policy includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs. This includes any building owned or controlled by a student organization that is officially recognized by the College.
11. The Complainant must be participating in, or attempting to participate in, the College’s educational program or activity at the time of filing a Formal Complaint.
12. The Respondent must be a member of the College’s community for its policies to apply.
13. Off-Campus conduct is covered under this policy if any of three conditions are met:
	1. The off-campus conduct occurs as part of the College’s operations;
	2. The College exercised substantial control over the respondent AND the context of alleged sexual harassment that occurred; or
	3. The incident occurred at an off-campus building owned or controlled by a student organization officially recognized by the College.
	4. This may include online misconduct that effectively deprives someone of access to the College’s educational program.
14. If a Respondent is unknown or not a member of the College Community, the Title IX Coordinator will assist the Complainant in identifying appropriate resources and support options. Supportive measures and resources may be accessible to the Complainant.
15. **Services**

Carl Albert State College has taken the following steps aimed at preventing a sexual assault on the college campus:

1. The college provides educational programs to enhance awareness of sexual assault and the conditions that foster this offense on college campuses. These include offering sexual assault awareness programs at no charge to any interested group, including classes, organizations and clubs. These programs attempt to dispel myths, provide information and give practical measures to increase safety.
2. The college provides counseling referrals for survivors of sexual assaults which occur on institutional property or who are affiliated with the college. Counselors are available to listen, provide support, answer questions about sexual assault, and discuss options available to the victim.
3. **Report**

A Complainant or any other person can report an alleged sexual harassment incident to an administrator who has the authority to institute corrective measures (Vice President for Academic Affairs, Vice President for Student Affairs, Director of Sallisaw Campus, Human Resources Director or a Title IX Coordinator). Reports will be forwarded to the Deputy Title IX Coordinator and the Title IX Coordinator for student-to-student reports, and to the Title IX Coordinator for a report involving an employee. A report can be made to: title9@carlalbert.edu or by mail to: Carl Albert State College, ATTN: Title lX Coordinator, 1507 S McKenna, Poteau, OK 74953.

1. The report can be an oral report, written report, personal observation, newspaper article, an anonymous report or any other various means.
2. A report does not trigger a Title IX investigation or hearing process.
3. The College is considered to have actual knowledge of sexual harassment or allegations of sexual harassment when one of the above-named administrators and/or a Title IX Coordinator has received a report, and the College must respond promptly, without being deliberately indifferent:
	* 1. A Title IX Coordinator must provide information to the complainant:
			+ 1. Availability of supportive measures;
				2. The right to file a formal complaint; and
				3. How to file a complaint
		2. Supportive Measures are offered and may include:
			+ 1. Counseling
				2. Extension of deadlines
				3. Modifications of work or class schedules
				4. Campus escort service
				5. Changes in housing location;
				6. Increased security
				7. Mutual restrictions on contact between individuals
4. **Formal Complaint**

For the purpose of this policy, a report is information about an alleged Sexual Harassment violation communicated to the Title IX Coordinator or Deputy Coordinator who will notify a Complainant about supportive measures and discuss the formal complaint process. The Complainant may choose to sign a formal complaint of an alleged violation of this policy.

1. The Complainant should fill out the Campus Concern/Grievance Form which includes the Complainant’s name and contact information, identify the complained-of individual (to the extent possible), and describe the complained-of conduct, along with the Complainant’s preferred outcome for resolving the matter. The formal complaint may be submitted by other written form (i.e. email or mail) as long as it is physically or digitally signed. The complaint should be turned into the CASC Human Resources Office or a Title IX Coordinator.
2. A Title IX Coordinator can file a formal complaint when they believe an investigation is required in order to not be deliberately indifferent and Complainant does not wish to participate. Factors that will be considered:
	* 1. Pattern of alleged misconduct by a particular respondent
		2. Use of violence
		3. Use of weapons
		4. Other similar factors
3. Notice of Allegations: The Title IX Coordinator or Deputy Coordinator will prepare a Notice of Allegations of sexual harassment potentially constituting sexual harassment as defined in this policy, and disburse to both the Complainant and the Respondent. The Notice will include:
	1. Sufficient details known – identity of parties involved, conduct allegedly constituting sexual harassment, date and location of alleged incident, and witnesses (if any).
	2. For an employee respondent, the College can interview the respondent without disclosing the complainant’s identity, as long as no disciplinary action is taken without following the grievance process (unless emergency removal or administrative leave is permitted). 85 Fed. Reg. 30287
	3. The Respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility is made at the conclusion of the grievance process.
	4. Parties are notified that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review certain evidence.
	5. Information regarding the code of conduct and false statements.
	6. Parties are scheduled for an initial interview approximately 5 days following receipt of Notice of Allegations. The interview will be conducted by one or both of the Title IX Coordinators and may include the Director of Campus Police.
4. The College may facilitate an informal resolution process that does not involve a full investigation and adjudication process, provided that the College:
	1. Provide to both parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and, any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shares;
	2. Obtains the parties’ voluntary, written consent to the informal resolution process; and,
	3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
	4. An informal resolution can include three different approaches: 1) When the parties agree to resolve the matter through an alternate resolution mechanism (mutually agreed upon); or 2) When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or 3) When the Title IX Coordinator or Deputy Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.
5. Student Emergency Removal -

The College can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns, as determined by the Title IX Coordinator/s/. These actions could include, but are not limited to: removing a student from a campus, restricting a student’s access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, and suspending a student’s participation in extracurricular activities, student employment, student organizational leadership, or intramural sports.

If an emergency removal is imposed, the student will receive notice and have 48 hours to request a meeting with the Title IX Coordinator/s/ to object to the emergency removal and show cause why it should not be implemented or should be modified. The Title IX Coordinator or Deputy Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination. At the discretion of the Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on both parties.

1. Employee Administrative leave -

An employee may be placed on administrative leave during the pendency of a grievance process when an allegation of misconduct is made against an employee. Depending on the severity of allegation, the administrative leave may be with or without pay.

1. **Initial Assessment**

Upon receipt of a report or a formal complaint if an alleged violation of the Discrimination and Harassment Policy, the Title IX Coordinator and/or Deputy Coordinator conducts an initial assessment, which is typically one to five business days. Assessment can include:

* 1. Determination if a formal complaint will be made – either by Complainant or Title IX Coordinator if there is a risk of violence or threat to health and safety.
	2. Complaint is sufficient to be processed as a Title IX complaint.
	3. Offer of supportive measures and right to an Advisor.
	4. Title IX Coordinator works with the complainant to determine if the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
		1. If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
		2. If an informal resolution is preferred, the Title IX Coordinator assesses whether the complaint is suitable for an informal resolution and if so, will seek to determine if the Respondent is also willing to engage in informal resolution.
		3. If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX. If it does not, the matter will be referred for resolution under the Discrimination, Harassment, or Student Conduct Policy.
1. **Grievance Procedures**

The CASC Title IX Grievance procedure will foster the equal treatment of complainants and respondents by providing remedies to a complainant if a respondent is found responsible, and by following the prescribed grievance process imposing discipline on a respondent. Remedies should be designed to restore or preserve equal access to the school’s education program or activity, and can be punitive or disciplinary against the respondent.

1. Any individual designated by CASC as a Title IX Coordinator, investigator, decision-maker, or any person designated by the college to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. These individuals must also be trained. The materials used to train Title IX personnel must promote impartial investigations and adjudications, and will be posted on the CASC website (required as of August 14, 2020).
2. Gathering Evidence: The College, or its appointed representatives, will foster and expect an objective evaluation of all relevant evidence – including inculpatory (showing respondent is responsible) and exculpatory (showing respondent as not responsible) evidence.
3. Privileges:
	1. No information protected by a legal privilege, such as the attorney-client privilege or the doctor-patient privilege, can be used during an investigation unless the person holding that privilege has waived it.
	2. Neither a party nor the college is allowed to seek, permit questions about, or allow the introduction of evidence that is protected by a recognized privilege.
	3. Individuals can always opt to waive their own privileges, if the want, but they don’t have to.
4. Timeframes: The college will resolve formal complaints of sexual harassment in reasonably prompt time frames. Temporary delays are permitted only for good cause. Good cause can include law enforcement activities, the absence of a party or witness, the absence of a party’s advisor of choice, or the need to provide a disability accommodation.
5. Standard of Evidence: reflects the degree of confidence that a decision-maker has in correctness of the factual conclusions reached. The preponderance of evidence is the standard used in all formal complaints, whether student or employee. It shall mean it is more likely than not that a violation occurred.
6. Mandatory Dismissals: Under federal regulations, the College **must** dismiss a complaint:
	* 1. That does not describe conduct that meets the definition of sexual harassment;
		2. That alleges sexual harassment that did not occur in the school’s education program or activity;
		3. That alleges sexual harassment that did not occur in the U.S. at all;
		4. Schools can still address these complaints under their code of conduct, even if the misconduct is not sexual harassment under Title IX.
7. Discretionary Dismissals: The College may dismiss a complaint:
8. If the complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw the formal complaint or some of its allegations;
9. If the respondent is no longer enrolled or employed by the college; or
10. If specific circumstances prevent the college from gathering evidence sufficient to reach a determination about the allegations.
11. Dismissal Procedures: Whenever the college dismisses a formal complaint, or any allegations in it, the college has to promptly send written notice of the dismissal and the reasons to the parties.

Both parties have the right to appeal a school’s dismissal decision. Either party can submit a written appeal to a Title IX Coordinator, who will submit it to the Title IX Committee or a Decision-Maker to review and reverse or uphold.

The appeal basis must include:

1. Procedural irregularity,
2. New evidence, or
3. Conflict of interest or bias on the part of the Title IX Coordinator, investigator, or decision-maker.
4. Investigative Reports:
	1. An investigation will begin once a Title IX Coordinator has received a signed formal complaint.
	2. An investigative Report on the allegations of the formal complaint is prepared.
	3. Before the investigator issues their report, the parties have ten (10) days to review any relevant information directly related to the allegations.
	4. The parties have a right to submit a written response at the end of the ten (10) days of review of relevant evidence.
	5. The college must consider that response before finalizing the investigative report.
	6. The investigative Report can then be finalized and provided to the parties.
	7. The parties will have another ten (10) days before any determination of responsibility, or 10 days before a hearing, if a hearing happens.
5. Hearings
A Title IX Coordinator will schedule a live hearing to determine responsibility (if Informal Resolution is not obtained). A single decision-maker may be used.
6. The college will provide written notice of the date, time, location, participants, hearing procedure guidelines and purpose of the hearing with sufficient time for the parties to prepare.
7. A live hearing shall include virtual hearings, as long as the parties can see and hear each other.
8. An audio or audiovisual recording or transcript of any live hearing (but not any deliberations) will be recorded and made available to the parties for inspection and review by arrangement of the Title IX Coordinator. No copies of the recording are permitted without permission of the Title IX Coordinator.
9. The hearing shall be closed to the public. No unauthorized audio or video recordings may be made of the hearings or interview processes.
10. The Complainant and Respondent will need to name an advisor who can accompany their party to interviews, meetings, and the hearing and will perform the cross-examination at the hearing. The person serving as advisor can be a parent, other adult, friend, or licensed attorney (at the student’s own expense). Counsel may consult or advise and cross-examine, not conduct the hearing.
11. The college will provide an advisor to either or both the Complainant and Respondent if they do not have one of their own, solely for the purpose of conducting cross-examination on that party’s behalf.
12. A Title IX Coordinator will coordinate and facilitate the hearing.
13. A live hearing will include an oral cross-examination of each party and witnesses in real time.
	1. Cross-examination simply means that a party’s advisor asks questions that might challenge the other party’s denials or allegations.
	2. Cross-examination questions must be relevant, and the decision-maker must decide if a question is relevant BEFORE the party or witness responds.
	3. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; proved, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.
	4. The federal guidelines protect every person’s right to choose to participate, or not participate, in any part of a grievance process.
14. Decision-Making
	1. The decision-maker/s/ will objectively evaluate the relevant evidence and reach conclusions about whether the respondent is responsible for the alleged sexual harassment.
	2. The decision-maker/s/ will use independent judgement; must be free from conflict of interests or bias for or against complainants or respondents, and must receive training about how to be impartial and how to decide what evidence is relevant.
	3. After the evidence has been weighed, the written determination will to be submitted to a Title IX Coordinator, within seven (7) business days, unless an extension is granted by a Title IX
	4. Coordinator. It will include a rationale and evidence for the determination of responsibility, the determination, and any sanction/s/ to be imposed.
	5. Using the written determination, the Title IX Coordinator or Deputy Coordinator will work with the Decision-maker to prepare a Notice of Outcome to distribute, within seven (7) business days, to the parties simultaneously. It must include:
		1. The portion of the school’s policy that was violated
		2. A description of the procedural steps that were taken by the college
		3. A findings of fact section
		4. A section draws conclusions after applying the facts to the portion of the school’s policy that applies.
		5. A statement and rationale for the ultimate determination of responsibility
		6. Any disciplinary sanctions that the college will impose on the respondent, and state whether the college will provide remedies to the complainant.
		7. A statement and rationale for any remedies for the complainant, addressing how those remedies will restore or preserve equal access
		8. A statement of the college’s procedures, a statement that the parties have a right to appeal the initial determination regarding responsibility, and the permissible bases for appeal
		9. Procedures and basis for available appeal process
15. **Sanctions**

Factors considered when determining a sanction/responsive action may include, but are not limited to:

● The nature, severity of, and circumstances surrounding the violation(s)

● The Respondent’s disciplinary history

● Previous allegations or allegations involving similar conduct

● The need for sanctions/responsive actions to bring an end to the sexual Harassment and/or retaliation

● The need for sanctions/responsive actions to prevent the future recurrence of sexual harassment and/or retaliation

● The need to remedy the effects of the sexual harassment and/or retaliation on the Complainant and the community

● The impact on the parties

● Any other information deemed relevant by the Decision-maker(s)

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

Any person found responsible for violating the Discrimination, Harassment, or Retaliation Policy and Procedures may be assigned one or more of the following sanctions:

* 1. **Written Warning:** An official written notice of violation of college policies.
	2. **Conduct Probation:** A specified period of time during which the person is placed on formal notice that they are not in good standing with the College and further violations of college regulations will subject them to suspension, expulsion, or termination from the College.
	3. **Restitution:** Reimbursement for damages to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
	4. **Discretionary Outcomes:** Work assignments, essays, and service to the College, program participation, or other related discretionary assignments, including a letter of apology, presentation of a workshop, performance improvement plan, training, community service, evaluation of any referral assessment, or counseling, as deemed appropriate.
	5. **Class Removal:** A student may be removed from a course or moved to another section of a course.
	6. **Demotion:** An employee may be demoted to a position in a lower grade. Demotions may be within the same department, or to another location at the college, or to another position in another department.
	7. **Job Reassignment:** An employee may be moved temporarily or permanently to a different position or to a different location.
	8. **No Contact Order:** An absolute prohibition from contact with specified person or persons in any form whatsoever, including contact in person, by phone, electronically, and/or through another person. A No Contact Order may be implemented as an interim measure. Interim measures can be put in place without a formal complaint, conduct process, or a finding of responsibility. If there is an allegation of violating a No Contact Order, a new investigation may occur.
	9. **Restriction:** A limitation on a student’s and employee’s privileges for a period of time may include the denial of the use of facilities or access to locations of campus, denial of the right to represent the College, and/or denial of participation in extracurricular activities not directly associated with academics (e.g., intramural sports, organizations/clubs/associations, or leadership positions on campus, or other organizations). An individual must apply to re-instate the privilege by submitting documentation of their significant proactive efforts and engage in responsible, productive behavior.
	10. **Revocation of Admission or Degree:** Admission to CASC, a College program, or a degree awarded from the College may be revoked for fraud, misrepresentation or other violation of College standards in obtaining the admission or degree, or for other serious violations committed while a student at CASC.
	11. **Suspension:** Exclusion from all classes and other privileges or activities for a specific period of time as set forth in the notice of suspension. If a transcript is requested during the period of suspension, a letter will be sent with the transcript to the requesting party/institution stating the student is under suspension for conduct reasons. Only unofficial transcripts will be released to the student directly. Any refund of tuition or fees will be subject to the college’s normal withdrawal policy.
	12. **Expulsion:** Permanent termination of student status without possibility of readmission to the College. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record in the Registrar’s Office. If a transcript is requested during the expulsion period, a letter will be sent with the transcript to the requesting party/institution stating the student has been expelled for conduct reasons. Only unofficial transcripts will be released to the student directly. Expulsion becomes a permanent part of a student’s conduct record. Any refund of tuition or fees will be subject to the College’s normal withdrawal policy. .
	13. **Termination**: Removal of employment for a full or part time employee including work-study students.
1. **Appeal**The complainant or respondent may file an appeal request, in writing, to a Title IX Coordinator seven (7) business days of the decision determination of the Decision- Maker/s/ only on the following grounds:
	1. Procedural irregularity that affected the outcome of the matter;
	2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
	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 individual complainant or respondent that affected the outcome of the matter.

The Title IX Coordinator will notify the hearing participants of the grounds of appeal and give them sufficient time to respond. The college President will consider the matter on the basis of the written appeal and responses, hearing recording, determination, investigation report, and the Notice of Outcome. The President may request a personal interview with the Complainant and Respondent prior to making a decision.The President will then determine whether there is reasonable cause to believe sexual harassment took place. If the President concludes that sexual harassment occurred, the President will uphold the decision of the Decision-Maker. If the President concludes that sexual harassment did not occur, the case will be dismissed. The decision of the President is final and cannot be appealed.

1. **Retaliation**
Any employee, student, or visitor who retaliates in any way against an individual who has initiated or participated in the resolution of a good faith complaint of Sexual Harassment is subject to discipline, up to and including termination of employment, suspension, or expulsion from CASC, even if no Harassment is found.
	1. No person shall retaliate against another for exercising rights under Title IX.
	2. Any person retaliated against can file a complaint with the College.
	3. Identities of the Complainant and Respondent and any related witnesses should be kept confidential, unless disclosure of someone’s identity is required under other laws or is necessary in order to conduct the grievance process.
	4. Any form of intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with the Title IX process shall constitutes retaliation.
	5. It will not be considered retaliation if the College issues sanctions to someone for making a bad-faith, materially false statement during a Title IX grievance process, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.
	6. The exercise of rights protected under the First Amendment does not constitutes retaliation.
2. **Consensual Relationships**

It is the policy of Carl Albert State College (CASC) that employees respect the ethical and professional boundaries that exist in direct supervisory, teaching, advisory, and/or evaluative responsibility over students. CASC views consensual romantic and/or sexual Faculty/Student and Staff/Student relationships as conflicts of interest and potential violations of professional ethics. These relationships impair the integrity of CASC’s educational and employment decisions, create real or apparent conflicts of interest, increase the potential for exploitation of students, may disadvantage or appear to disadvantage third parties, and create potential liability for both CASC and the individuals involved. See the complete policy for Consensual Relationships in Section 4-52 of the Policies & Procedures Manual posted on the Human Resources website.

1. **Revocation**
Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing Code of Conduct or Policies & Procedures Manual.
2. **Revision of this Policy and Procedures**

This policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct and/or retaliation under Title IX and will be reviewed and updated as needed. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect. This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally. This policy is effective August 14, 2020.

 *(Board Amended 7-14-2015; Revised for clarification 9-15-2015; Revised 11-28-2017, 9-15-2020)*