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## H - 120

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### DISCRIMINATION, SEXUAL HARASSMENT, & SEXUAL MISCONDUCT COMPLAINT

#### POLICY

Gateway Technical College is committed to provide our students, staff, and campus visitors a safe learning and working environment. As a result, the College recognizes the importance of providing a prompt, effective, and equitable process in response to allegations of discrimination and/or sexual misconduct.

#### PROCEDURE

The following steps will be followed by Gateway Technical College (Gateway) in response to allegations of discrimination and/or sexual harassment and misconduct.

1. A formal investigation of the allegations will be conducted by designated Title IX Investigators.
2. Trained Investigator(s) assigned to the complaint.
3. Investigator(s) will meet individually with the Complainant and the Respondent to explain their rights, resources, and responsibilities.
4. Investigator(s) will interview complainant to clarify and acquire additional relevant information necessary to proceed.
5. Investigator will interview the respondent and appropriate witnesses.
6. Investigator(s) will acquire additional relevant information such as written documents, text messages, photos, academic records, email, voice mail, etc.
7. The determination of discrimination and/or sexual misconduct will be based on the preponderance of evidence standard.
8. The college will reference appropriate disciplinary procedures when there is a violation finding. Investigators will prepare a report capturing a summary of the information, summary of findings of fact and analysis, resulting conclusion, and recommended remedial action to be shared with the EEO/Title IX Officer for review and approval.
9. If there is a finding of discrimination, sexual misconduct, or sexual harassment, the college will implement appropriate disciplinary procedures which may include the following remedial sanctions:
  - a. **Warning:** Issued to a student or employee who has committed a minor violation of this policy and does not pose a continued concern for the college.
  - b. **Disciplinary Probation:** Issued to a student who has committed a violation of this policy and will face additional sanctions if any additional violations occur during a specified time frame.
  - c. **Suspension:** Issued to a student or employee, for a specified time frame, who has committed a major, egregious or continued violation(s) of this policy.
  - d. **Dismissal/Expulsion:** Permanent removal, issued to a student who has committed a major, egregious or continued violation(s) of this policy.
  - e. **Restriction:** Issued to a student who has committed a violation of this policy and the resolution is a limitation on the student's access to identified services, locations, education, community activities or persons and issued for a specified time frame.
  - f. **Restitution:** Issued to a student who has committed a violation of this policy that resulted in staff, institutional or another student's financial loss. May be issued as a condition of return or continued attendance in the college.
  - g. **Referral:** Issued to a student who has committed a violation of this policy and it is determined that continued participation at the college is contingent upon the student attending designated services (college or private vendor) or programs. May be issued for a specified time frame or as permanent and may be issued as a condition of return or continued attendance in the college.
  - h. **Loss of Privileges:** Issued to a student who has committed a violation of this policy and it is determined that the student may continue attendance in the college with permanent limitations on the student's access to identified service, location, or educational community activities.
  - i. **No Contact:** Issued to a student who has committed a violation of this policy and it is determined that the student may continue attendance in the college with permanent limitations on the student's access/contact with an identified individual(s) or groups of student and/or staff.
10. These sanctions are not meant to be progressive in nature. A student or employee may be issued one or more of these sanctions in response to an incident.
11. The EEO/Title IX Officer will work with appropriate personnel to implement disciplinary action and remedial sanctions. Appropriate personnel can include, but is not limited to, Campus Affairs Dean, Department Supervisor, or Director of Employee/Labor Relations. The college will determine level of sanction based on the severity of the incident or series of incidents.
12. Complainant and Respondent will be notified in writing of the results of the investigation and any recommended remedial action to be implemented.

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## H - 120

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### APPEAL

1. Both the Complainant and the Respondent can appeal the decision in writing to the EEO/Title IX Officer within five (5) working days of receipt of the finding and/or decision. The appeal request will be shared with the other party.
2. The only grounds for appeal are as follows:
  - a. Procedural error or omission that significantly impacted the outcome of the decision,
  - b. to consider new evidence, unknown or unavailable during the investigation process that could substantially impact the original finding or sanction, or
  - c. the sanctions imposed are substantially disproportionate to the severity of the violation.
3. All appeals are forwarded to the executive vice president/provost and the vice president of Human Resources (Appeals Officer(s)) to determine if the appeal meets the limited grounds and is timely. If it does not, the original finding and sanction will stand and the decision is final. If the appeal has standing, the documentation is reviewed for consideration. The party requesting appeal must show error as the original finding and sanction are presumed to have been decided reasonably and appropriately.
4. The procedures governing the appeals process include the following:
  - a. All parties should be promptly informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.
  - b. Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record and pertinent documentation regarding the grounds for appeal;
  - c. This is not an opportunity for appeals officers to substitute their judgment for that of the original investigative personnel merely because they disagree with its finding and/or sanctions. Appeals are to be deferential to the original investigative review, making changes to the finding only where there is clear error and to the sanction only if there is compelling justification to do so;
  - d. Sanctions imposed are implemented immediately unless the Appeals Officer stays implementation in extraordinary circumstances, pending the outcome of the appeal.
  - e. The Appeals Officer will render a written decision on the appeal to all parties within 7 business days from acceptance of the appeal. The Appeals Officer's decision is final.
5. The EEO/Title IX Officer, Investigators, and Appeals Officers shall insure that the privacy and confidentiality of all parties is respected.
  - a. **Federal Timely Warning Reporting Obligations:** Victims of sexual misconduct should also be aware that college administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. For example, if a student was sexually assaulted on our campus and the alleged perpetrator has not been located and removed from our community, a timely warning will be issued. The college will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.
  - b. The EEO/Title IX Officer and Investigators are responsible to insure that the complaint is handled in a timely, appropriately confidential manner.
6. The EEO/Title IX Officer shall compile an annual report for the president or designee summarizing the findings of all formal complaints along with any recommendations for changes in the discrimination and/or sexual misconduct policies.

Adopted: June 29, 2015

Supersedes: October 12, 2009; August 24, 2005, November 2002

Reaffirmed &/or Updated: March 22, 2011 (Clarified EEO Officer and AA Officer positions & eliminated evaluation form which is not used.)