

Civil Rights and Sexual Misconduct Resolution Process

TITLE IX

CIVIL RIGHTS

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PIKES PEAK COMMUNITY COLLEGE

CIVIL RIGHTS COMPLAINT PROCESS:

A person who experiences discrimination or harassment based on a protected class, and/or experiences retaliation for opposing discrimination/harassment or for participating in a complaint or investigation may reach out to Human Resources Services (HRS) or other Responsible Official to:

FILE A COMPLAINT

A complaint may be filed by the person who experienced the discrimination or harassment, the "Complainant," or by a concerned third party, the "Reporter." The person filing must write the complaint in their own words. The person against whom the allegations are made is called the "Respondent."

REQUEST INFORMATION

You may reach out to HRS to learn more about PPCC's Civil Rights Policy and Procedures. This option is available whether or not you file a formal complaint. To learn more about resources, interim measures, or other options, please reach out to HRS at 719-502-2600.

REQUEST INFORMAL RESOLUTION

You may request informal resolution via the Title IX/EO Coordinator, Mr. Carlton Brooks, who will determine if informal resolution is appropriate. The parties can elect to cease the informal resolution process at any time before it concludes and proceed with a formal investigation.

INITIAL REVIEW: The Title IX/EO Coordinator or designee speaks with the Complainant and/or Reporter in order to understand the allegations and any related conduct. The Complainant is informed of their rights. Interim Actions are considered.

SUPPORTIVE MEASURES AND RESOURCES: HRS will ensure it offers supportive measures and resources to all parties regardless of whether a complaint is filed, the outcome of a filed complaint, or whether informal resolution is offered.

ASSESSMENT

If the facts alleged were true, would they constitute a violation of the Policy?

No

CLOSE CIVIL RIGHTS COMPLAINT

HRS notifies the Complainant and/or Reporter the civil rights complaint will be administratively closed. If other PPCC policies may be implicated, the Title IX/EO Coordinator will refer the matter to the Dean of Students. Complaints can also be closed by the appointing authority.

Yes

INFORMAL RESOLUTION
Does Complainant wish to elect for informal resolution?

Yes

No

UNWILLING COMPLAINANT: If the prospective Complainant is unwilling to participate or wants to withdraw their complaint, but the Title IX/EO Coordinator has determined the severity of the harassment and the potential risk to others warrants an investigation, the Title IX/EO Coordinator or designee may be considered the Complainant.

NOTIFY COMPLAINANT

The Title IX/EO Coordinator will notify the Complainant or Reporter of the plan to investigate. If there is a police investigation into the same allegations, the Title IX/EO Coordinator will assess the timing of its investigation, so as not to compromise the criminal investigation.

NOTIFY RESPONDENT

The Title IX/EO Coordinator notifies the Respondent in writing of allegations, provides Respondent with copies of the complaint and informs Respondent of their rights.

INTERVIEWS

The investigators conduct separate interviews with each of the parties. If applicable, the parties may bring an Advisor to their respective interviews.

REPORT FINALIZED

Investigators summarize the relevant evidence, make factual findings, and issue the Final Investigation Report to the Title IX/EO Coordinator.

PRELIMINARY INVESTIGATION REPORT DISCLOSURE

Investigators shall issue the Preliminary Report with relevant facts gathered and all directly-related evidence to both parties, who have 10 days to respond in writing.

FOLLOW-UP INTERVIEWS

The Investigators conduct follow-up interviews with the parties. These interviews give each party an opportunity to respond to information collected during investigation.

EVIDENCE GATHERING

The Investigators collect additional information (e.g., interview witnesses, collect documents). The parties may submit additional materials they believe may be relevant. Copies of these materials will be given to the other party and their Advisor (if applicable).

The Title IX/EO Coordinator obtains a written **Determination Report** from the investigator(s) as to whether or not, based on a preponderance of the evidence, the alleged behavior took place and whether that behavior constitutes a civil rights violation. The determination shall include a summary of all evidence and information used to reach these conclusions.

Notice of Findings provided by Title IX/EO Coordinator simultaneously to both parties. A copy of the Final Investigation Report and Determination Report shall be attached, along with appeal rights.

APPEAL: Parties may appeal the Determination Report within 10 days of receiving the Notice of Findings. Parties may appeal on three grounds: (1) procedural error that may change the outcome of the decision, (2) findings are not supported by substantial evidence in the investigation report; or (3) relevant new information that was not available at the time of the investigation and may substantially change the outcome of the decision. A new investigation can be convened or appellate officer can otherwise cure the procedural error.

Findings shall be provided to the Disciplinary Authority to proceed in accordance with applicable policies. See *Sanctions*.

Yes

RESOLUTION

Was Respondent found to be in violation of the Policy?

No

Complainant closed with no further disciplinary action.

TITLE IX COMPLAINT PROCESS:

A person who experiences sexual misconduct within one of PPCC's programs or activities in the United States may reach out to Human Resources Services (HRS) or other Responsible Official to:

FILE A COMPLAINT

A formal complaint may be filed by the person who experienced the harassment, the "Complainant". The person filing must write the complaint in their own words. The person against whom the allegations are made is called the "Respondent."

REQUEST INFORMATION

You may reach out to HRS to learn more about Title IX and PPCC's Policy and Procedures. This option is available whether or not you file a formal complaint. To learn more about resources, interim measures, or other options, please reach out to HRS at 719-502-2600.

REQUEST INFORMAL RESOLUTION

You may request informal resolution via the Title IX Coordinator, Mr. Carlton Brooks, who will determine if informal resolution is appropriate. The parties can elect to cease the informal resolution process at any time before it concludes and proceed with a formal investigation.

INITIAL REVIEW: The Title IX Coordinator or designee speaks with the Complainant in order to understand the allegations and any related conduct. The Complainant is informed of their rights. Interim Actions are considered.

SUPPORTIVE MEASURES AND RESOURCES: HRS will ensure it offers supportive measures and resources to all parties regardless of whether a complaint is filed, the outcome of a filed complaint, or whether informal resolution is offered.

ASSESSMENT

Was the alleged harassment within one of PPCC's programs or activities in the United States?
AND
If the facts alleged were true, would they constitute a violation of the Policy?

CLOSE TITLE IX COMPLAINT

HRS notifies the Complainant the Title IX complaint will be administratively closed. A complaint alleging sexual harassment outside of the United States may be addressed under other PPCC civil rights procedures. If other PPCC policies may be implicated, the Title IX Coordinator will refer the matter to the Dean of Students. Complaints can also be closed by the appointing authority.

No

Yes

Yes

INFORMAL RESOLUTION
Does Complainant wish to elect for informal resolution?

No

WILLINGNESS OF COMPLAINANT: If the prospective Complainant is unwilling to participate or wants to withdraw their complaint, but the Title IX Coordinator has determined the severity of the harassment and the potential risk to others warrants an investigation, the Title IX Coordinator or designee may be considered the Complainant.

NOTIFY COMPLAINANT

The Title IX Coordinator notifies the Complainant or Reporter of the plan to investigate. If there is a police investigation into the same allegations, the Title IX Coordinator will assess the timing of its investigation, so as not to compromise the criminal investigation.

NOTIFY RESPONDENT

The Title IX Coordinator notifies the Respondent in writing of allegations, provides Respondent with copies of the complaint and informs Respondent of their rights.

INTERVIEWS

Title IX Investigators conducts separate interviews with each of the parties. If applicable, the parties may bring an Advisor to their respective interviews.

REPORT FINALIZED

Investigators summarize the relevant evidence, make factual findings, and issues the Final Investigation Report to Title IX/EO Coordinator at least 10 days before hearing date. Case Management Notice given to parties.

PRELIMINARY INVESTIGATION REPORT DISCLOSURE

Investigators shall issue the Preliminary Report with relevant facts gathered and all directly-related evidence to both parties, who have 10 days to respond in writing.

FOLLOW-UP INTERVIEWS

The Investigators conduct follow-up interviews with the parties. These interviews give each party an opportunity to respond to information collected during investigation.

EVIDENCE GATHERING

The Investigators collect additional information (e.g., interview witnesses, collect documents). The parties may submit additional materials they believe may be relevant. Copies of these materials will be given to the other party and their Advisor (if applicable).

HEARING: The Live Hearing will be scheduled no earlier than 10 days after the Final Report is issued. Each party's advisor may question the other party and any witnesses with relevant questions. The Hearing Officer will issue a Determination Report as to whether or not, based on a preponderance of the evidence, the alleged behavior took place and whether that behavior constitutes a civil rights violation.

Notice of Findings provided by Title IX Coordinator simultaneously to both parties. A copy of the Final Investigation Report and Determination Report shall be attached, along with appeal rights.

APPEAL: Parties may appeal the Hearing Officer's determinations within 10 days of receiving the Notice of Findings. Parties may appeal on three grounds: (1) procedural error that may change the outcome of the decision, (2) findings are not supported by substantial evidence in the investigation report; or (3) relevant new information that was not available at the time of the investigation and may substantially change the outcome of the decision.

Findings shall be provided to the Disciplinary Authority to proceed in accordance with applicable policies. See *Sanctions*.

Yes

RESOLUTION
Was Respondent found to be in violation of the Policy?

No

Complainant closed with no further disciplinary action.

INTERIM ACTIONS

The Title IX/EO Coordinator may implement interim actions, including Supportive Measures, intended to protect the safety and security of the campus community, address the effects of the reported behavior, and prevent further violations, while the complaint is under review or investigation.

These remedies may include, but are not limited to

- ◆ placing an employee on administrative leave;
- ◆ interim actions outlined in the SP 4-30 Student Disciplinary Procedure;
- ◆ campus bans/emergency removals;
- ◆ referral to counseling and health services or to the Colorado State Employee Assistance Program (CSEAP);
- ◆ education to the community;
- ◆ altering work arrangements;
- ◆ providing campus escorts;
- ◆ implementing contact limitations between the parties (e.g., no contact orders);
- ◆ offering adjustments to academic deadlines or course schedules; and/or
- ◆ suspending privileges such as attendance at College activities or participation in College-sponsored organizations.

Any campus ban/emergency removal will be implemented only after a determination that the person poses an immediate threat to the physical health or safety of another.

Following the completion of the investigation or resolution process, interim actions may be continued or made permanent as deemed necessary.



INFORMAL RESOLUTION

The Title IX/EO Coordinator, in consultation with the parties, may determine that an informal resolution is appropriate to resolve the reported concerns. The primary focus during an informal resolution remains the welfare of the parties and the safety of the PCC community, but it does not involve a written investigation report or an opportunity to appeal. An informal resolution may include but is not limited to:

- ◆ The provision of interim or long-term remedial measures;
- ◆ Referral to other resolution processes;
- ◆ Training or educational programming for the parties;
- ◆ The Title IX/EO Coordinator or a designee serving as a facilitator to discuss the reported concerns with the Complainant and Respondent (either separately or together) and to identify possible resolutions and/or appropriate future conduct; and/or
- ◆ Referral to a Disciplinary Authority to further address the reported behavior, as deemed appropriate

Notice of the allegations and specific Informal Resolution process will be provided to both parties.

At any time during the informal resolution process, the Title IX/EO Coordinator may elect to initiate a formal investigation as deemed appropriate to resolve the matter. The parties can elect to cease the informal resolution process at any time before it concludes and proceed with a formal investigation. The informal resolution process is not available in Sexual Harassment cases involving a student Complainant and an employee Respondent.



AFTER THE APPEALS PROCESS HAS BEEN EXHAUSTED

If the Respondent is found not in violation of policies or procedures outlined herein, the complaint shall be closed with no further disciplinary action. If additional concerns, outside the scope of this procedure, are identified during the course of the investigation, the findings may be shared with appropriate administrative personnel to further address, as deemed appropriate.

If the Respondent is found in violation of policies or procedures outlined herein, the findings shall be provided to the Disciplinary Authority to proceed in accordance with applicable policies:

For faculty, disciplinary action will be in compliance with BP 3-20, Due Process for Faculty. <https://www.cccs.edu/policies-and-procedures/board-policies/bp-3-20-due-process-for-faculty/>

For classified employees, disciplinary action will be taken pursuant to the applicable State Personnel Rules and Regulations. <https://spb.colorado.gov/>

For students, disciplinary action will be taken pursuant to BP and SP 4-30, Student Discipline. <https://www.cccs.edu/policies-and-procedures/board-policies/bp-4-30-student-discipline/> and <https://www.cccs.edu/policies-and-procedures/system-presidents-procedures/sp-4-30-student-disciplinary-procedure/>

Instructors and Administrative, Professional-Technical (APT) employees are at-will under BP 3-10, and may not be subject to additional procedures when issuing sanctions. <https://www.cccs.edu/policies-and-procedures/board-policies/bp-3-10-administration-of-personnel/>

Disciplinary Authorities may consider a number of factors when determining a sanction. These factors may include, but are not limited to, the following:

- ◆ The nature, severity of, and circumstances surrounding the violation;
- ◆ An individual's disciplinary history;
- ◆ Previous complaints or allegations involving similar conduct; and/or
- ◆ Any other information deemed relevant by the Disciplinary Authority.

AVAILABLE SANCTIONS

- ◆ For students: warning, probation, fines, restitution, denial of privileges, assignment to perform services for the benefit of the PCC community, re-assignment to another class section (including the option for an on-line section), suspension, expulsion, a "Cease Communications" directive, or a "No Trespass" directive.
- ◆ For PCC employees: warning, corrective action, probation, restitution, denial of privileges, suspension, demotion, reduction of pay, termination of employment, a "Cease Communications" directive, or a "No Trespass" directive.
- ◆ For authorized volunteers, guests, or visitors: warning, probation, denial of privileges, removal from PCC property, a "Cease Communications" directive, or a "No Trespass" directive.
- ◆ Other Action may be taken as deemed appropriate to put an end of the violation, prevent future recurrence, and to remedy the effects of the violation.

RIGHTS OF INVOLVED PARTIES

- ◆ Throughout the civil rights and sexual misconduct resolution process, Complainants and Respondents shall be entitled to the following:
- ◆ To be treated with respect by PPCC employees.
- ◆ To take advantage of Supportive Measures and other resources, such as counseling, psychological services, and health services.
- ◆ To experience a safe living, educational, and work environment.
- ◆ To have an advisor of their choice present at any meeting.
- ◆ To have access to a Title IX/EO Coordinator, investigator(s), hearing officers/decision-maker(s) for Title IX cases, and/or other individuals assisting with the resolution process who do not have a conflict of interest or bias for or against either party.
- ◆ To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- ◆ To be free from retaliation.
- ◆ To be informed of the outcome/resolution of the complaint, and the sanctions and rationale for the outcome where permissible.
- ◆ To have assistance in contacting law enforcement, if desired.
- ◆ To request employment, and/or educational modifications, as deemed appropriate and reasonable.
- ◆ To request no further contact with the opposite party, as deemed appropriate, allowable and reasonable.

Civil Rights and Sexual Misconduct Resolution Process

HUMAN RESOURCES SERVICES

5675 S. Academy Blvd
Colorado Springs, CO 80906

719.502.2600 ph
719.502.2601 fax

<https://www.ppcc.edu/human-resource-services>