



State Career College

NEW TITLE IX RULE

Effective: August 13, 2020

SEXUAL HARASSMENT POLICIES FOR TITLE IX PURPOSES

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NONDISCRIMINATION STATEMENT

In Compliance with title IX of the 1972 Education Amendments, the Equal Employment Opportunity Act of 1972 Education Amendments, the Equal employment Opportunity Act of 1972, Title VII of the Civil Rights Act of 1964 as amended , and Section 504 of the 9 Rehabilitation Act of 1974, it is the policy of State Career College not to discriminate against any person on the basis of race, color, religion, creed, national origin, sex, age, marital or parental status or disability in all of its educational and employment programs, activities, its policies, practice and procedures.

TRAINING MATERIALS USED TO TRAIN THE SCHOOL'S TITLE IX PERSONNEL

The First Amendment and Title IX: An OCR Short Webinar

https://www.youtube.com/watch?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=&v=XzSJ4uNspq8

OCR Short Webinar on How to Report Sexual Harassment under Title IX

<https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpb9saW5rX2lkIjoxMDcsInVyaSI6ImJwMjpbGljayIsImJlIGxldGluX2lkIjojImJyMDA4MTMuMjU2NDQyMzEiLCJ1cmwiOiJodHRwczovL3d3dy55b3V0dWJlLmNvbS93YXRjaD91dG1fY29udGVudD0mdXRtX21lZG11bT1lbWVpbCZ1dG1fbmFtZT0mdXRtX3NvdXJjZT1nb3ZkZWxpdmVyeSZ1dG1fdGVybT0mdj1ZQTVTMI9BM1VBWSJ9.7w2dLCr57dF-VihWAPA8lqd9wNP6xsXNTXsosqR-7Pw/s/463571586/br/82332617461-l>

Conducting and adjudicating Title IX Hearings: An OCR Training Webinar

<https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpb9saW5rX2lkIjoxMDgsInVyaSI6ImJwMjpbGljayIsImJlIGxldGluX2lkIjojImJyMDA4MTMuMjU2NDQyMzEiLCJ1cmwiOiJodHRwczovL3d3dy55b3V0dWJlLmNvbS93YXRjaD9mZWV0dXJlPSZ1dG1fc291cmNlPWdvdmlRbGl2ZXJ5JnV0bV90ZXJtPSZ2PXIRNC1TNV9KYWh3In0.GJAizE2MjtJ2N3doXluFvkYfYNueMicw3rbGFZlcjI/s/463571586/br/82332617461-l>



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OCR Webinar on Due Process Protections Against Sexual Harassment

https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDksInVyaSI6ImJwMjppbGJjayIsImJ1bGxldGluX2lkIjoiMjAyMDA4MTMuMjU2NDQyMzEiLCJ1cmwiOiJodHRwczovL3d3dy55b3V0dWJlLnNvbS93YXRjaD91dG1fY29udGVudD0mdXRtX21lZGI1bT1lbWFpbCZ1dG1fbmFtZT0mdXRtX3NvdXJjZT1nb3ZkZWxpdmVyeSZ1dG1fdGVyYT0mdj00OFV3b2J0aUtESSJ9.BSooQiqAYbeyEhM4R_OATCqIbio_SulWnYDXC3YZiOg/s/463571586/br/82332617461-1

OCR Webinar on New Title IX Protections Against Sexual Assault

https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMTAsInVyaSI6ImJwMjppbGJjayIsImJ1bGxldGluX2lkIjoiMjAyMDA4MTMuMjU2NDQyMzEiLCJ1cmwiOiJodHRwczovL3d3dy55b3V0dWJlLnNvbS93YXRjaD9mZWZ0dXJlPSZ1dG1fc291cmNIPWdvdmlRbGl2ZXJ5JnV0bV90ZXJtPSZ2PWktQkNuaFVzSjRzIn0.Af4XPKBSIbz-jPvn6tIH88CE0RvkLQ9qHCI6HX_7aMs/s/463571586/br/82332617461-1

OCR Webinar: Title IX Regulations Addressing Sexual Harassment

<https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMTEsInVyaSI6ImJwMjppbGJjayIsImJ1bGxldGluX2lkIjoiMjAyMDA4MTMuMjU2NDQyMzEiLCJ1cmwiOiJodHRwczovL3d3dy55b3V0dWJlLnNvbS93YXRjaD91dG1fY29udGVudD0mdXRtX21lZGI1bT1lbWFpbCZ1dG1fbmFtZT0mdXRtX3NvdXJjZT1nb3ZkZWxpdmVyeSZ1dG1fdGVyYT0mdj1UZGZUNVI4aWJtNCJ9.w-d0e6YKRfQfK2RJ-R6gGVxXzTmzpXVc0jQWmAafgU/s/463571586/br/82332617461-1>

Definition of Sexual Harassment for Title IX Purposes – As stated by the new Title IX rules, the term “sexual harassment” will be broadly defined in State Career College’s (SCC) Title IX Policy on Sex Discrimination, Including Sexual Harassment to mean conduct on the basis of sex that satisfies one or more of the following: (i) An employee of SCC conditioning education benefits on participation in unwelcome sexual conduct or (ii) Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access SCC’S education program or activity, or (iii) Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Grievance Process- The new Title IX rules require the handling of formal complaints of sexual harassment through a formal grievance process only where the alleged sexual harassment occurs in a covered institution’s education program or activity; against a person in the United States.

SCC will investigate and arbitrate formal complaints of sexual harassment using a grievance process below:



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1. The institution will provide all parties written notice of the allegations, an opportunity to select an advisor, and an opportunity to submit and review evidence throughout the investigation.
2. SCC will provide parties at least 10 days to inspect, review, and respond to all evidence directly related to the allegations prior to the completion of the investigative report.
3. The institution assigned as Title IX coordinator (Theresa Tangonan, ttangonan@statecareercollege.edu) will objectively investigate all reports of sexual harassment.
4. The Title IX coordinator will generate an investigative report that summarizes the relevant evidence.
5. SCC will provide parties at least 10 days to review and provide a written response to the investigative report.
6. SCC will provide for a live hearing, as set forth below.
7. Apply a presumption of innocence on the respondent during the grievance process and utilize **either** a preponderance of the evidence or a clear and convincing evidence standard in making findings. The institution must use the same standard for all formal complaints of sexual harassment.
8. Record Keeping: SCC will ensure to be fully responsible for the proof and the responsibility of gathering evidence on the institution, not the parties.
9. Ensuring that the investigator is a different person than the final decision maker in a formal complaint.
10. It will be strictly prohibited of any inappropriate questioning about prior sexual history and protect the privacy of a party's medical, psychological, or similar treatment records.
11. A written determination will be provided with an analysis as to how the conclusion was reached.
12. SCC will offer an opportunity to appeal a final determination. An appeal can be filed on the following bases: procedural irregularity, newly discovered evidence, and/or bias of the Title IX personnel that affected or could affect the outcome of the matter. A covered entity may also add other rights to appeal, so long as the other bases are available to all parties.
13. Provide protection from retaliation for any individual that participates in a Title IX grievance process.

All entities may, in their discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the institution, or if specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint. Additionally, if the conduct alleged would not constitute sexual harassment under Title IX if proved, did not occur as part of an education program or activity, or did not occur in the United States, the institution will dismiss the formal complaint for the purposes of sexual harassment under Title IX, but the dismissal does not preclude the institution from taking action under its code of conduct or policies.

Live Hearings - The Title IX grievance process includes live hearings for formal complaints of sexual harassment. Such hearings will be conducted before a hearing officer and will feature witness testimony



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and questioning, including cross-examination. Complainants and respondents may select an advisor to represent them during the live hearings. SCC will appoint a counselor for a party that does not have one.

SCC will “provide for a live hearing,” which can be conducted in person or virtually.

SCC will provide a recording or transcript of the hearing. At the hearing, both parties must be provided an advisor for the purposes of conducting cross-examination “directly, orally, and in real time.” Cross-examination will not directly be conducted by the party. If a party does not have an advisor present at the live hearing, SCC will provide an advisor free of charge. At the request of either party, the parties shall be separated with the utility of technology to enable the parties to see and hear one another as needed from different rooms.

During the hearing the final decision maker or hearing officer will have the right to determine the relevancy of any questions asked on cross-examination and can exclude any irrelevant questioning. If a party or witness “does not submit to cross-examination,” the final decision “must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw any 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.

Appeals - Consistent with SCC’s current policy concerning sexual misconduct, decisions rendered on a formal complaint of sexual harassment under the new Title IX rules will be subject to appeal under some circumstances.

Informal Resolution - Except in cases involving allegations that SCC’s employee has sexually harassed a student, where a formal complaint of sexual harassment is filed, the parties may voluntarily and mutually agree in writing to engage in an informal resolution process (i.e., mediation) to try to resolve the formal complaint. Mediation, where available, can serve as an alternative to the live-hearing process.

Date updated:8/13/2020