



## PROCEDURE

Title: PROCESS FOR RESOLVING COMPLAINTS OF HARASSMENT, SEXUAL MISCONDUCT AND OTHER FORMS OF DISCRIMINATION	Code: FF1001
Authority: C0200, C0201, C0202 and C0203	

In accordance with MATC Policy C0200 Equal Opportunity, Harassment & Nondiscrimination, the College will investigate and respond to any formal or informal complaint or notice of potential violation of the policy that is received by the Title IX Coordinator, Deputy Coordinators, Human Resources staff, Judicial Affairs, Director of Student Life, Athletics Director, or other manager or supervisor representing the College.

MATC's Title IX Coordinator (Vice President of Student Services) is generally responsible for administration of the investigation and resolution of complaints arising under the Equal Opportunity, Harassment & Nondiscrimination policy and is supported by Deputy Title IX Coordinators: the Director of Employee Relations and Diversity and the College Director of Judicial Affairs.

MATC's process for investigation and appeal of determinations is described in detail below. This procedure will apply to all complaints involving students, staff or faculty members or other members of the MATC community, including contractors. Redress and requests for responsive actions for complaints brought against non-members of the community are also covered by these procedures.

### 1. Equity Grievance Panel (EGP)

MATC's Equity Grievance Panel (EGP) consists of a team of trained professionals who are responsible to investigate and resolve any complaints arising under Policy C0200 Equal Opportunity, Harassment and Nondiscrimination, including but not limited to all complaints of sexual harassment, sexual assault or other sexual misconduct. MATC's Title IX Coordinator and Deputy Coordinators (Director of Employee Relations/Diversity and Director of Judicial Affairs) are responsible to oversee and direct all activities of the EGP.

Members of the EGP are trained in all aspects of the grievance process, and can serve in any of the following roles, at the direction of the Title IX Coordinator and/or Deputy Title IX Coordinator:

- To provide sensitive intake of complaints and advise complainants as to process



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- To serve in a mediation role in conflict resolution
- To investigate and facilitate resolution of complaints
- To serve on hearing panels for complaints

EGP members also serve in an educative role for the community. EGP members receive annual training organized by the Title IX Coordinator, including a review of college policies and procedures, so that they are able to provide accurate information to members of the community. All EGP members are required to attend training on an annual basis.

The Equity Grievance Panel includes:

- 2 Co-Chairs: Deputy Title IX Coordinators (Director of Employee Relations/Diversity and Director of Judicial Affairs)
- The Director of Student Life
- Student Life Coordinators
- Human Resources Coordinators
- At least 3 members of the academic administration
- At least 2 representatives of MATC Public Safety
- The Director of Athletics

Panel members are usually appointed to three-year terms. Appointments to the EGP should be made with attention to representation of groups protected by the harassment and non-discrimination policy. Individuals who are interested in serving on the EGP are encouraged to contact the Title IX Coordinator.

## **2. Filing a Complaint**

Any member of the community who believes that the policy on Equal Opportunity, Harassment and Nondiscrimination has been violated may file a complaint at any time from any location using the online reporting form found at [https://publicdocs.maxient.com/reportingform.php?MilwaukeeAreaTC&layout\\_id=2](https://publicdocs.maxient.com/reportingform.php?MilwaukeeAreaTC&layout_id=2). All complaints will be received and tracked by the Title IX Coordinator or designee.



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Concerned individuals may also contact the Title IX Coordinator or Deputy Coordinators, or a member of the EGP to report a complaint or discuss a concern. It is also possible for employees to notify a supervisor, or for students to notify an administrative advisor or faculty member, or any member of the community may contact MATC Public Safety at any time. These individuals will in turn notify the Title IX Coordinator and/or Deputy Title IX Coordinators.

All employees receiving reports of a potential violation of College policy are expected to promptly contact the Title IX Coordinator or a Deputy Coordinator, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with the maximum possible privacy: specific information on any complaints received by any party will be reported to the Title IX Coordinator and Deputy Title IX Coordinators, but, subject to the College’s obligation to redress violations, every effort will be made to maintain the privacy of those initiating a report of a complaint.

In all cases, MATC will give consideration to the complainant with respect to how the complaint is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal complaint.

**3. Complaint Intake**

Following receipt of notice or a complaint, the Title IX Coordinator<sup>1</sup> or Deputy Title IX Coordinator will promptly review and analyze the complaint information and contact the complainant if additional information is needed to determine whether an investigation will be pursued. Normally, within two business days, an initial determination is made whether a policy violation may have occurred and/or whether conflict resolution might be appropriate. If the complaint does not appear to allege a policy violation or if other conflict resolution assistance is desired by the complainant and appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to investigation.

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<sup>1</sup> If circumstances require, the President or Title IX Coordinator may designate another person to oversee the process below, should a complaint be made against the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.



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A full investigation will necessarily be pursued if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members, or if the complaint concerns a sexual assault. The College aims to complete all investigations within a 60 business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator or Deputy Title IX Coordinators with notice to the parties.

**4. Investigation**

If a complainant wishes to pursue a formal complaint investigation or if the College, based on the alleged policy violation, wishes to pursue a formal complaint investigation, then the Title IX Coordinator appoints one or more EGP members to conduct the investigation, usually within two business days of determining that a complaint should proceed. Investigation of complaints brought directly by those alleging harm should be completed expeditiously, normally within 2-4 weeks of assignment of the investigator. Investigation may take longer when initial complaints fail to provide direct first-hand information, or when witnesses are unavailable.

The College may undertake a short delay (3-10 days, to allow evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. MATC's action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

**5. Interim Remedies**

The Title IX Coordinator and/or Deputy Title IX Coordinators may provide interim remedies intended to address the short or long-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further harassment or violations. Interim remedies may also be used when, in the judgment of the Title IX Coordinator or a Deputy Title IX Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the accused individual or the ongoing



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activity of a student organization whose behavior is in question.

These remedies may include referral to student counseling services or to the Employee Assistance Program, education to the community, altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc.

The Director of Judicial Affairs may interim suspend a student or organization pending the completion of EGP investigation and procedures. In all cases in which an interim suspension is imposed, the student or student organization will be given the opportunity to meet with the Title IX Coordinator or Director of Judicial Affairs prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented.

Employees who are accused of policy violation may be suspended pending investigation of the complaint, as determined by the Vice President of Human Resources, or designee. Employees represented by a union will also be afforded a right to the presence of a union representative in all meetings with the Title IX Coordinator or EPG investigators. The Title IX Coordinator and Vice President, Human Resources have sole discretion to implement or stay an interim suspension under the policy on Equal Opportunity, Harassment and Nondiscrimination, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to the College campus, facilities and events. As determined by the Title IX Coordinator or Vice President of Human Resources, this restriction includes classes and/or all other College activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator or designee, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.



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**6. Complaint Resolution**

During or upon the completion of investigation, the investigators will meet with the Title IX Coordinator, or the appropriate Deputy Title IX Coordinator for review of the information obtained through investigation. Based on that meeting, the Title IX Coordinator and/or Deputy Title IX Coordinator will make a decision on whether there is reasonable cause to proceed with the complaint. If the Title IX Coordinator decides that no policy violation has occurred or that the preponderance of evidence (i.e., whether it is more likely than not that the accused individual committed each alleged violation) does not support a finding of a policy violation, then the process will end and the parties will be informed simultaneously in writing of the conclusion and outcome of the investigation. After receiving such notification, the complainant may request that the Title IX Coordinator makes an extraordinary determination to re-open the investigation or to forward the matter for a hearing. This decision lies in the sole discretion of the Title IX Coordinator.

If there is reasonable cause and the respondent party is a student, the Title IX Coordinator will direct the investigation to continue, or if there is a preponderance of evidence of a violation, then the Title IX Coordinator may recommend a resolution without a hearing or a formal hearing, based on the below criteria.

For complaints concerning conduct by an employee of MATC, if the Title IX Coordinator or Deputy Title IX Coordinator determines, based upon a preponderance of the evidence gathered during the investigation, that a policy violation has occurred, appropriate sanction or responsive action including disciplinary action will be determined and implemented by the Vice President of Human Resources and/or Deputy Title IX Coordinator, Director of Employee Relations and Diversity.

**a. Resolution Without a Hearing**

Resolution without a hearing can be pursued for any behavior that falls within the policy on Equal Opportunity, Harassment and Nondiscrimination, at any time during the process. The Title IX Coordinator or Deputy Title IX Coordinator will provide written notification of a complaint and any investigative findings to any member of the college community who is accused of an offense of harassment, discrimination, or retaliation.



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At any point in the process, the respondent may choose to admit responsibility for all or part of the alleged policy violations. If so, the Title IX Coordinator or Deputy Title IX Coordinator will render a finding that the individual is in violation of college policy for the admitted conduct. For admitted violations, the appropriate Deputy Title IX Coordinator (Co-Chair of the EGP) will determine an appropriate sanction or responsive action. If the sanction/responsive action is accepted by both the complainant and respondent, the Title IX Coordinator will implement it, and act promptly and effectively to remedy the effects of the admitted conduct upon the victim and the community.

If either party rejects the sanction/responsive action, an EGP hearing will be held on the sanction/responsive action only, according to the EGP procedures below, except in the case of respondent employees represented by unions, whose grievance hearing process is described in respective collective bargaining agreements.

**b. Formal Hearing**

For any complaints involving student respondents or other non-employees that are not resolved without a hearing, the Title IX Coordinator will initiate a formal hearing following the procedures described below.

For all complaints concerning conduct of employees, the Title IX Coordinator will refer his/her findings to the Vice President of Human Resources for implementation and processing through established employee grievance processes. Non-represented employee appeal procedures shall be as set forth in District Board Policy C0509.

**7. Formal EGP Hearing Procedure – Student Judicial Affairs**

**a. Hearing Panels**

The Title IX Coordinator will appoint a non-voting panel Chair from the EGP and three other members of the EGP to the hearing panel, none of whom have been previously involved with the complaint. EGP members who served as investigators will be witnesses in the hearing of the complaint and therefore may not serve as hearing panel members. No member of the panel may be a practicing attorney. The panel will meet at times determined by the Chair.



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**b. Notification of Charges**

At least one week prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the EGP Chair will send a letter to the parties with the following information. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The letter will contain:

- A description of the alleged violation(s), a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result;
- The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- The parties may have the assistance of an advisor at the hearing. Typically, advisors are members of the campus community, but the Title IX Coordinator may grant permission for an outside advisor upon request. The advisor may not be a practicing attorney. In the rare instance where civil or criminal court proceedings currently involve a party to the complaint or at the discretion of the Chair, legal counsel may be permitted to serve as an advisor. The advisor may not make a presentation or represent the complainant or respondent during the hearing. The parties to the hearing are expected to ask and respond to questions on their own behalf, without representation by their advisor. The advisor may consult with the advisee quietly or in writing, or outside the hearing during breaks, but may not speak on behalf of the advisee to the panel.
- Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the college and remain within the 60-day goal for resolution.

**c. Hearing Procedures**

EGP Hearings will be convened, usually within one to two weeks of the completion of the investigation, and will be conducted in private. The EGP has the authority to hear all





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collateral misconduct, meaning that it hears all allegations of discrimination, harassment and retaliation, but also may hear any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within EGP jurisdiction. Accordingly, investigations should be conducted with as wide a scope as necessary.

Participants will include the non-voting Chair, the three members of the panel, the investigator(s) who conducted the investigation on the complaint, the complainant and respondent(s), **any** advisors to the parties and any called witnesses. The Chair will exchange the names of witnesses the College intends to call, all pertinent documentary evidence and any written findings from the investigators between the parties at least two business days prior to the hearing. In addition, the parties will be given a list of the names of each of the EGP panel members at least two business days in advance of the hearing. Should either (any) party object to any panelist, he/she must raise all objections, in writing, to the Chair immediately. Panel members will only be unseated if the Chair concludes that their bias precludes an impartial hearing of the complaint. Additionally, any panelist or Chair who feels he/she cannot make an objective determination must recuse himself or herself from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.

The Chair, in consultation with the parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) during the hearing. All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties. If alternative questioning mechanisms are desired (screens, Skype, questions directed through the Chair, etc.), the parties should request them from the Chair at least two business days prior to the hearing.

Once the procedures are explained and the participants are introduced, the investigator will present the report of the investigation first, and be subject to questioning by the parties and the EGP. The investigator(s) will be present during the entire hearing process, but will only be present during deliberations at the request of the Chair. The findings of the investigation are not binding on the panel, though any undisputed conclusions of the investigation report will not be revisited, except as necessary to



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determine sanctions/responsive actions. Once the investigator(s) is/are questioned, the EGP will permit questioning of and by the parties, and of any present witness. Questions may be directed through the panel at the discretion of the Chair.

Formal rules of evidence will not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern evidence. The Chair will address any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility. The Chair will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on his/her own behalf.

Unless the Chair determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless they show a pattern, or (2) the sexual history of or the character of the victim/complainant.

There will be no observers in the hearing. The Chair may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the panel or the parties involved. The panel does not hear from character witnesses, but will accept up to two letters supporting the character of the individuals involved.

In hearings involving more than one accused individual or in which two complainants have accused the same individual of substantially similar conduct, the standard procedure will be to hear the complaints jointly; however, the Title IX Coordinator may permit the hearing pertinent to each respondent to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each respondent.

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to College consequences for failure to do so. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.



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Hearings are recorded for purposes of review in the event of an appeal. EGP members, the parties and/or the persons who initiated the action, and appropriate administrative officers of the College will be allowed to listen to the recording in a location determined by the Title IX Coordinator or designee. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator. Persons given access to the recording will be required to sign an agreement confirming that they will protect the privacy of the information contained in the recording.

**d. Decisions**

The EGP will deliberate in private to determine whether the respondent is responsible or not responsible for the violation(s) in question. The panel will base its determination on a preponderance of the evidence (i.e., whether it is more likely than not that the accused individual committed each alleged violation). If an individual respondent or organization is found responsible by a majority of the panel, the panel will recommend appropriate sanctions to the Title IX Coordinator.

The Chair will prepare a written deliberation report and deliver it to the Title IX Coordinator, detailing the finding, how each member voted, the information cited by the panel in support of its recommendation and any information the hearing panel excluded from its consideration and why. The report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Title IX Coordinator within two days of the end of deliberations.

The Title IX Coordinator (or designee) will inform the accused individual and the complainant of the final determination within 2-3 business days of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties' College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

**e. Sanctions**

Sanctions or responsive actions will be determined by the EGP. Factors considered when determining a sanction/responsive action may include:

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- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous complaints or allegations involving similar conduct
- Any other information deemed relevant by the EGP
- 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 victim and the community

#### **i. Student Sanctions**

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

- *Warning:* A formal statement that the behavior was unacceptable and a warning that further infractions of any College policy, procedure or directive will result in more severe sanctions/responsive actions.
- *Probation:* A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any College policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at College. This sanction will be noted as a Conduct Suspension on the student's official transcript.
- *Expulsion:* Permanent termination of student status, revocation of rights to be on campus for any reason or attend College-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
- *Withholding Diploma.* The College may withhold a student's diploma for a



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specified period of time and/or deny a student participation in commencement activities if the student has a complaint pending, or as a sanction if the student is found responsible for an alleged violation.

- *Revocation of Degree.* The College reserves the right to revoke a degree awarded from the College for fraud, misrepresentation or other violation of College policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions.* Deactivation, de-recognition, loss of all privileges (including registration), for a specified period of time.
- *Other Actions:* In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

**f. Withdrawal or Resignation While Charges Pending**

Students: The College does not permit a student to withdraw if that student has a complaint pending for violation of the policy on Equal Opportunity, Harassment and Nondiscrimination, or for charges under the Code of Student Conduct. Should a student decide to leave and not participate in the investigation and/or hearing, the process will nonetheless proceed in the student’s absence to a reasonable resolution and that student will not be permitted to return to MATC unless all sanctions have been satisfied.

Employees: Should an employee resign during investigation of a pending complaint, the records of the Title IX Coordinator will reflect that status, and the College responses to any future inquiries regarding employment references for that individual may include such information. The Title IX Coordinator will act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

**g. Failure to Complete Sanctions/Comply with Responsive Actions**

All respondents are expected to comply with conduct sanctions/responsive/corrective actions within the time frame specified by the College. Failure to follow through on conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination



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from the College and may be noted on a student’s official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

**h. Records**

In implementing this policy, records of all complaints, resolutions, and hearings will be kept by the Title IX Coordinator indefinitely in a secure record-keeping mechanism, such as Maxient.

**i. Statement of Complainants’ and Respondents’ Rights**

- To be treated with respect by College officials.
- To take advantage of campus support resources (such as Counseling for students, or EAP services for employees).
- To experience a safe educational and work environment.
- To refuse to have an allegation resolved through alternative dispute resolution procedures such as mediation or other conflict resolution.
- 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 have complaints heard in substantial accordance with these procedures.
- To full participation of the injured party in any EGP process whether the injured party is serving as the complainant or the College is serving as complainant.
- To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible and the rationale for the outcome where permissible.

**8. Revision**

These procedures will be reviewed and updated annually by the Title IX Coordinator and/or Deputy Title IX Coordinators. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. However, the Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will



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apply. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.