



## ADMINISTRATIVE REGULATION AND PROCEDURE

Title: Process for Resolving Title IX Complaints of Harassment, Sexual Misconduct and Other Forms of Discrimination in Education Programs	Code: CC0200
Policy Reference: C0200, C0201, C0202	

In accordance with MATC Policy C0200 Equal Opportunity, Harassment & Nondiscrimination, and MATC Policy C0201 Sexual Harassment and Sexual Violence, 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 is generally responsible to oversee and administer the investigation and resolution of complaints, arising under the Equal Opportunity, Harassment & Nondiscrimination policy, and which relate to the provision of educational programs by MATC. The Title IX Coordinator is supported by Deputy Title IX Coordinators Will Smith III (414) 297-7275 and Daniel McColgan (414) 297-7688.

MATC's process for investigation and appeal 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, when those complaints relate to MATC's education programs. Redress and requests for responsive actions for complaints brought against non-members of the community are also covered by these procedures.

### **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)

Concerned individuals may also contact the Title IX Coordinator or Deputy Coordinators email or through MATC's Public Safety helpline at 414-297-6588. It is also possible for employees to notify a supervisor, and students or members 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.



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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.

Following receipt of notice or a complaint, the Title IX Coordinator or Deputy Title IX Coordinator will promptly review and analyze the complaint information and contact the complainant if additional information is needed to determine next steps.

When an alleged violation of MATC Policy C0200 Equal Opportunity, Harassment & Nondiscrimination is reported, the allegations are subject to resolution using MATC's "Process B", as detailed below. When the allegations meet the following definition of Sexual Harassment, MATC's "Process A" applies. The Title IX Coordinator retains the authority to make this determination.

Process A applies when the allegations meet the following definition of Sexual Harassment<sup>1</sup>, as an umbrella category, which includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking and defined as:

Conduct on the basis of sex or that is sexual that satisfies one or more of the following:

- 1) Quid Pro Quo: an MATC employee explicitly or implicitly conditions a student's participation in an education program or activity, or bases and educational decision, on the student's submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature.
- 2) Sexual Harassment:
  - a. unwelcome conduct,
  - b. determined by a reasonable person,
  - c. to be so severe, and
  - d. pervasive, and,
  - e. objectively offensive,
  - f. that it effectively denies a person equal access to MATC's education program or activity.<sup>2</sup>

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<sup>1</sup>This definition is consistent with the requirements of 34 CFR Part 106 issued by the U.S. Department of Education on May 6, 2020.

<sup>2</sup> Unwelcomed conduct is subjective and determined by the complainant, except when the complainant is younger than the age of consent. Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.



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3) Sexual assault, defined as:

a) Sex Offenses, Forcible:

- Any sexual act directed against another person,

Sexual Acts include:

Forcible Rape:

- 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 complainant

Forcible Sodomy:

- Oral or anal sexual intercourse with another person,
- Forcibly,
- And or against that person's will (non-consensually), or
- Not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Sexual Assault with an Object:

- The use of an object or instrument to penetrate
- However slightly
- The genital or anal opening of the body of another person
- Forcibly
- And or against that person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Forcible Fondling:

- The touching of the private body parts of another person (buttocks, groin, and breasts)
- For the purpose of sexual gratification
- Without the consent of the complainant,
- Including instances in which the complainant is incapable of giving consent,

b) Sex Offenses, Non-Forcible:

- Incest:
  - 1) Non- forcible sexual intercourse,
  - 2) between persons who are related to each other,
  - 3) Within the degrees wherein marriage is prohibited by Wisconsin law.



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- Statutory Rape:
  - 1) Non forcible sexual intercourse;
  - 2) With a person who is under the statutory age of consent in Wisconsin
- 4) Dating Violence, defined as:
  - a. violence,
  - b. on the basis of sex,
  - c. committed by a person,
  - d. who is in or has been in a social relationship of a romantic or intimate nature with the complainant.
    - i. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
    - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - iii. Dating violence does not include acts covered under the definition of domestic violence.
- 5) Domestic Violence, defined as<sup>3</sup>:
  - a. violence,
  - b. on the basis of sex,
  - c. committed by a current or former spouse or intimate partner of the complainant,
  - d. by a person with whom the complainant shares a child in common, or
  - e. by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner, or
  - f. by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Wisconsin, or
  - g. by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Wisconsin.
- 6) Stalking, defined as:
  - a. engaging in a course of conduct,
  - b. on the basis of sex,
  - c. directed at a specific person, that
    - i. would cause a reasonable person to fear for the person's safety,

<sup>3</sup> To categorize an incident as Domestic Violence, the relationship between the respondent and the complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.



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- or
  - ii. the safety of others; or
  - iii. Suffer substantial emotional distress.
- For the purposes of this definition—
- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the respondent 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.
  - (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.
  - (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

## PROCESS A<sup>4</sup>

The procedures below apply only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence and stalking as defined above) involving students, staff, administrators, or faculty members.

If a dismissal occurs under Process A, "Process B" describes the procedures applicable to the resolution of such allegations, as determined by the Title IX Coordinator<sup>5</sup>.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct.

Unionized/other categorized employees are subject to the terms of their agreements/employees' rights to the extent those agreements do not conflict with federal or state compliance obligations.

Under Process A, *complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity, and

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<sup>4</sup> The procedures described in Process A supersede any previous policies or procedures addressing conduct which would fall under Process A. MATC reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect. During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. If government laws or regulations change or court decisions alter legal requirements, Process A will be construed to comply with the most recent government regulations or holdings.

<sup>5</sup> Any authority delegated to the "Title IX Coordinator" under Process A may be delegated to a trained designee substitute in MATC's discretion.



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*respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity. *Decision-maker* refers to individuals who have decision-making and sanctioning authority as designated by MATC.

### **Jurisdiction**

Process A applies to allegations occurring in MATC's education program and activities, to conduct that takes place on the campus or on property owned or controlled by MATC, at College-sponsored events, or in buildings owned or controlled by MATC's recognized student organizations. The respondent must be a member of the MATC community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive a person of access to MATC's educational program. MATC may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial College interest<sup>6</sup>.

Regardless of where the conduct occurred, MATC will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial College interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the respondent poses an immediate threat to the physical health or safety of any student or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of the College.

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<sup>6</sup> MATC's policies are written and interpreted to include online conduct when those behaviors occur in or have an effect on MATC's education program and activities or use the college's networks, technology, or equipment. Any online posting or other electronic communication by students occurring completely outside of MATC's control will only be subject to this process when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others.



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If the respondent is unknown or is not a member of the MATC community, the Title IX Coordinator will assist the complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the respondent is not a member of the MATC community, supportive measures, remedies and resources may be available to the complainant.

In addition, MATC may take other actions as appropriate to protect the complainant against third parties, such as barring individuals from College property and/or events.

All vendors serving MATC through third-party contracts are subject to the policies and procedures of their employers, or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee complainant who experiences sexual harassment or retaliation in an externship or other environment external to the College where sexual harassment policies and procedures of the facilitating or host organization may apply.

### **Notice/Complaint**<sup>7</sup>

Upon receipt of a complaint or notice to the Title IX Coordinator, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps. The Title IX Coordinator will initiate at least one of three responses:

- 1) Offering supportive measures because the complainant does not wish to file a formal complaint; and/or
- 2) An informal resolution, upon submission of a formal complaint; and/or
- 3) A Formal Grievance Process including an investigation and a hearing, upon submission of a formal complaint.

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<sup>7</sup> There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the respondent is no longer subject to MATC's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action. When notice/complaint is affected by significant time delay, MATC will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint



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The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to MATC's education program or activity, including measures designed to protect the safety of all parties or the educational environment, and/or deter sexual harassment and/or retaliation. At the time that supportive measures are offered, MATC will inform the complainant, in writing, that they may file a formal complaint either at that time or in the future, if they have not done so already.

A formal complaint is a document submitted or signed by a complainant or signed by the Title IX Coordinator alleging sexual harassment or retaliation for engaging in a protected activity against a respondent and requesting that MATC investigate the allegation.

MATC uses a Formal Grievance Process<sup>8</sup> to determine whether or not policy has been violated. If so, MATC will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, or their effects.

### **Initial Assessment**

Following receipt of notice of a complaint, the Title IX Coordinator engages in an initial assessment, typically within one to five business days. The steps in an initial assessment may include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired. If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment<sup>9</sup> indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the complainant to offer supportive measures.
- The Title IX Coordinator works with the complainant to ensure they are aware of the right to have a resolution advisor.
- The Title IX Coordinator works with the complainant to determine whether the

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<sup>8</sup> *Formal Grievance Process* means "Process A," a method of formal resolution which complies with the requirements of the Title IX regulations (34 CFR §106.45).

<sup>9</sup> A violence risk assessment is an assessment of any potential violence or danger of a substantial, compelling, and/or immediate risk to health and/or safety of an individual or the community, performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team ("BIT").





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complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.

- If a supportive and remedial response is preferred, the Title IX Coordinator works with the complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the complainant can elect to initiate one later, if desired.
- If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the respondent is willing to engage in informal resolution.
- 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, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address an incident, and/or a pattern of alleged misconduct, and/or a culture/climate concern, based on the nature of the complaint.
  - If it does not, the Title IX Coordinator determines that Title IX does not apply and will “dismiss” that aspect of the complaint, if any, and assesses which policies may apply and refers the matter for resolution under Process B or another applicable process. Dismissing a complaint under Title IX is solely a procedural requirement under Title IX and does not limit MATC’s authority to address a complaint with an appropriate process and remedies.

### **Dismissal**

MATC must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by MATC (including buildings or property controlled by recognized student organizations), and/or MATC does not have control of the respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of MATC<sup>10</sup>.

MATC may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

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<sup>10</sup> Such a complainant is still entitled to supportive measures, but the formal grievance process is not applicable.



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- 1) A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The respondent is no longer enrolled in or employed by MATC; or
- 3) Specific circumstances prevent MATC from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, MATC will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below.

### **Emergency Removal**

MATC may 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. This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team ("BIT").

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting, the "show cause meeting" is not a hearing on the merits of the allegation(s), but is an administrative process intended to determine solely whether the emergency removal is appropriate.

When the show cause meeting is not requested within five (5) business days of the emergency removal, objections to the emergency removal will be deemed waived.

A complainant and their resolution officer, as described below, may be permitted to participate in the show cause meeting if the Title IX Coordinator determines it is equitable to do so.

The Emergency Removal provision also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX.

A respondent may be accompanied by a resolution advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX 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



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this policy will be grounds for discipline, which may include expulsion.

MATC will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns.

There is no appeal process for emergency removal decisions.

Where the respondent is an employee, existing provisions for interim action are applicable.

### **Right to a Resolution Advisor**

The parties may each have a resolution advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whomever they wish to serve as their resolution advisor as long as that individual is eligible and available<sup>11</sup>. Typically, one resolution advisor is permitted for each party; in cases where the Title IX Coordinator allows more than one resolution advisor for one party, all parties will have an equitable right.<sup>12</sup> Resolution advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings to clarify and understand their role and MATC's policies and procedures.

The Title IX Coordinator will also offer to assign a resolution advisor for any party if the party so chooses. Parties also have the right to choose not to have a resolution advisor in the initial stages of the resolution process, prior to a hearing.

During the hearing phase of the formal grievance process, indirect questioning must be conducted by the parties' resolution advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have a resolution advisor for a hearing, MATC will appoint one for the limited purpose of conducting any questioning of the other party and witnesses. A party may reject this appointment and choose their own resolution advisor, but they may not proceed without a resolution advisor. If the party's resolution advisor will not conduct questioning, MATC will appoint one to do so. Questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing.

All resolution advisors are subject to MATC's policies and procedures. Resolution advisors are

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<sup>11</sup> Choosing a resolution advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses a resolution advisor who is also a witness can anticipate that issues of potential bias will be explored at the hearing.

<sup>12</sup> For parties who are entitled to union representation, MATC will allow the unionized employee to have their union representative if requested by the party as well as a resolution advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party, regardless of union membership, will also be permitted to have two resolution advisors. Witnesses are/are not permitted to have union representation or resolution advisors in grievance process interviews or meetings.



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expected to advise their advisees without disrupting proceedings. Although the resolution advisor generally may not speak on behalf of their advisee, the resolution advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. Any resolution advisor who oversteps their role as defined by this policy will be warned only once. If the resolution advisor continues to disrupt or otherwise fails to respect the limits of the resolution advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the resolution advisor's non-compliance and future role.

MATC provides a consent form that authorizes MATC to share documentation with resolution advisors. Resolution advisors are expected to maintain the privacy of the records shared with them.

MATC generally expects a resolution advisor to adjust their schedule to allow them to attend meetings when planned, but may change scheduled meetings to accommodate a resolution advisor's inability to attend, if doing so does not cause an unreasonable delay. MATC may also make reasonable provisions to allow a resolution advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

The parties are expected to inform the Title IX Coordinator of the identity of their resolution advisor at least two business days before the date of their first meeting with Investigators, or as soon as possible if a more expeditious meeting is necessary or desired. The parties are expected to provide timely notice to the Title IX Coordinator if they change resolution advisors at any time.

### **Resolution Processes**

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with MATC policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. MATC encourages parties to discuss any sharing of information with their resolution advisors before doing so.

### **Informal Resolution**

Following the submission of a formal complaint and at any time prior to reaching a determination regarding responsibility, MATC may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication when MATC:

- Provides to the 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,



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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 shared;

- Obtains the parties' voluntary, written consent to the informal resolution process; and
- Does not offer an informal resolution process to resolve allegations that an employee sexually harassed a student.

If the respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether informal resolution can be used.

The ultimate determination of whether informal resolution is available or successful is to be made by the Title IX Coordinator, who maintains records of any resolution that is reached. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions.

### **Formal Grievance Process:<sup>13</sup> Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the respondent upon commencement of the Formal Grievance Process. The NOIA is also copied to the complainant, who will be given advance notice of when the NOIA will be delivered to the respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that MATC presumes the respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,

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<sup>13</sup> The Formal Grievance Process relies on a pool of internal and/or external administrators ("the pool") to carry out the process. Pool members and are trained on an annual basis.



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- A statement about MATC’s policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have a resolution advisor of their choosing,
- A statement informing the parties that MATC’s policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how a party may request disability accommodations during the interview process,
- A link to MATC’s VAWA brochure or other VAWA-related information,
- The name(s) of the Investigator(s) who will conduct the investigation, along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice 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(es) of the parties as indicated in official College records, or emailed to the parties’ College-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

Once the decision to commence a formal investigation is made, the Title IX Coordinator will assign one of the Deputy Title IX Coordinators to investigate, as appropriate.

### **Resolution Timeline**

MATC will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

### **Impartiality**

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, Deputy Title IX Coordinators, Investigator(s), and Decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific complainant or respondent. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another pool member will be assigned and the impact of the bias or conflict, if any, will be remedied.



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The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained. Credibility determinations may not be based solely on an individual's status or participation as a complainant, respondent or witness.

MATC operates with the presumption that the respondent is not responsible for the reported misconduct unless and until the respondent is determined to be responsible for a policy violation by the applicable standard of proof which is preponderance of the evidence.

### **Steps in the Investigation Process**

MATC will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation. Investigations are typically completed expeditiously, normally within forty-five business days, but a short delay in the investigation may occur if circumstances require, including a request from law enforcement to temporarily delay the investigation<sup>14</sup>, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions. In such cases, MATC will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. MATC will promptly resume its investigation and resolution process as soon as feasible. During such a delay, MATC will implement supportive measures as deemed appropriate.

All investigations are thorough, reliable, impartial, prompt and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically: identify issues and develop a strategic investigation plan; prepare the initial Notice of Investigation and Allegation (NOIA); conduct interviews and provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes or transcript of the relevant evidence/testimony from their respective interviews and meetings; make good faith efforts to notify the parties of any meeting or interview involving the other party; when participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose; interview all available, relevant witnesses and conduct follow-up interviews as necessary; allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in an investigation report which questions

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<sup>14</sup> MATC'S action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.



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were asked, with a rationale for any changes or omissions.

The Investigator(s) also will complete the investigation promptly and without unreasonable deviation from the intended timeline and provide regular status updates to the parties throughout the investigation

Prior to the conclusion of the investigation, the Investigator(s) will provide the parties with a list of witnesses whose information will be used to render a finding and will write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence may be included. The Investigator(s) gather, assess, and synthesize evidence, but make no determinations as part of their report.

Prior to the conclusion of the investigation, the Investigator(s) will provide the parties and their resolution advisors a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which MATC does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days.

The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses.

The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period

The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their resolution advisors through secure electronic transmission or hard copy at least ten business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report. Witnesses (as distinguished from the parties) who are employees of MATC are expected to cooperate with and participate in the investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policies and may warrant disciplinary action.

No unauthorized audio or video recording of any kind is permitted during investigation meetings.

**Evidentiary Considerations in the Investigation and Hearing**





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The investigation and hearing do not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

### **Consent Under Process A**

Consent is:

- Knowing,
- Voluntary, and
- clear permission by word or action to engage in mutually agreed upon sexual activity.

It is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact cannot be presumed to be consent for other sexual activity. A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on MATC to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving



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consent.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). It is a defense to a sexual assault policy violation that the respondent neither knew nor should have known the complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

### **Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.<sup>15</sup>

The hearing cannot be less than ten business days from the conclusion of the investigation – when the final investigation report is transmitted to the parties and the Decision-maker—unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will designate the Decision-maker. The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as resolution advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time

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<sup>15</sup> Hearings for possible violations that occur near or after the end of an academic term and are unable to be resolved prior to the end of term will typically 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 60-90 business day goal for resolution. In these cases, if the respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Procedure is not in good standing to graduate.



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determined by the Chair or designee.

### **Notice of Hearing**

No less than ten business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, 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.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of a resolution advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have a resolution advisor, and MATC will appoint one. Each party must have a resolution advisor present.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven business days prior to the hearing.
- Whether parties can/cannot bring mobile phones/devices into the hearing.



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### **Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five business days prior to the hearing. The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five business days prior to the hearing so that appropriate arrangements can be made.

### **Pre-Hearing Preparation**

After any necessary consultation with the parties, the Chair or hearing facilitator will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair agree to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not agree to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation should be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than one day prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and resolution advisors at least five business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and resolution advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.



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**Hearing Procedures**<sup>16</sup>

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in connection with sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the policy.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties, resolution advisors to the parties, any called witnesses, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions about procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

**The Order of the Hearing**

The Chair explains the procedures and introduces the participants.

The Investigator(s) will present a summary of the final investigation report, including items that are contested and those that are not, and may be subject to questioning by the Decision-maker(s) and the parties through their resolution advisors. The Investigator(s) will be present during the entire hearing process, but not during deliberations. Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, resolution advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

**Testimony and Questioning at the Hearing**

Once the Investigator(s) present their report and are subject to questioning, the parties and witnesses may provide relevant information in turn, beginning with the complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their resolution advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The resolution advisor, who

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<sup>16</sup> In hearings involving more than one respondent or in which two (2) or more complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly. However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each respondent with respect to each alleged policy violation.



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will remain seated during questioning, will pose the proposed question, the proceeding will pause to allow the Chair to consider it and the Chair will determine whether the question will be permitted, disallowed, or rephrased. The Chair may invite explanations or persuasive statements regarding relevance with the resolution advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask resolution advisors to frame why a question is or is not relevant from their perspective but will not hear argument from resolution advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

#### **Refusal to Submit to Cross-Examination and Inferences**

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission.

The Decision-maker(s) may not draw any inference solely from a party or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their resolution advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's chosen resolution advisor refuses to comply with MATC's established rules of decorum for the hearing, MATC may require the party to use a different advisor. If a College-provided resolution officer refuses to comply with the rules of decorum, MATC may provide that party with a different advisor to conduct cross-examination on behalf of that party.

#### **Recording Hearings**



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Hearings are recorded by MATC for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. The Decision-maker(s), the parties, their resolution advisors, and appropriate administrators of MATC will be permitted to listen to the recording in a setting determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without the permission of the Title IX Coordinator.

**Deliberation, Decision-making, and Standard of Proof**

The Decision-maker will determine whether the respondent is responsible or not responsible for the policy violation(s) in question, based on a preponderance of the evidence standard of proof. When there is a finding of responsibility on one or more of the allegations, the Decision-maker may consider any impact statements provided by a party in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker may consider the statements, but they are not binding.

The Decision-maker may review the statements and any pertinent conduct history and will determine the appropriate sanction, in consultation with other appropriate administrators, as required. Administrators (i.e. Judicial Affairs Officer and Director, Labor Relations) may make recommendations regarding the appropriate sanction.

The Chair will prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions or recommendations.

This report must be submitted to the Title IX Coordinator within fifteen business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

**Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their resolution advisors within five business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will be shared with the parties simultaneously. 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 MATC records, or emailed to the parties' College-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.



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The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by MATC from the receipt of the report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent MATC is permitted to share such information under state or federal law; any sanctions issued which MATC is permitted to share according to state or federal law; and any remedies provided to the complainant designed to ensure access to MATC's educational or employment program or activity, to the extent MATC is permitted to share such information under state or federal law.<sup>17</sup>

The Notice of Outcome will also include information on when the results are considered final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

### **Sanctions**

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. 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, 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, and the need to remedy the effects of the sexual harassment and/or retaliation on the complainant and the community.

Typical student sanctions range from a warning through expulsion and may include withholding of a diploma or revocation of an awarded degree and exclusion from campus. Typical employee sanctions range from a warning to termination.

### **Withdrawal or Resignation While Charges Pending**

If a student has an allegation pending for violation of policy, MATC may place a hold on the student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student respondent permanently withdraw from MATC, the resolution process ends, as MATC no longer has disciplinary jurisdiction over the withdrawn student.

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<sup>17</sup> This detail is not typically shared with the respondent unless the remedy directly relates to the respondent.





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However, MATC will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment and/or retaliation.

A student who withdraws or leaves while the process is pending may not return to MATC. Such exclusion applies to all campuses of MATC. A hold will be placed on their ability to be readmitted. They may also be barred from MATC property and/or events.

If a student respondent only withdraws or takes a leave for a specified period of time, the resolution process may continue remotely and that student is not permitted to return MATC unless and until all sanctions have been satisfied.

Should an employee respondent resign with unresolved allegations pending, the resolution process ends, as MATC no longer has disciplinary jurisdiction over the resigned employee.

An employee who resigns with unresolved allegations pending is not eligible for rehire with MATC or any campus of the MATC, and the records retained by the Title IX Coordinator and the Department of Human Resources will reflect that status.

All MATC responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

### **Appeals**

Any party may file a request for appeal but it must be submitted in writing to the Title IX Coordinator within three business days of the delivery of the Notice of Outcome.

Title IX Coordinator will assign an Appeal Decision maker to decide the appeal. The Appeal Decision-maker will not have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The request for appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a review for standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- 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
- 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 specific complainant or



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respondent that affected the outcome of the matter.

If any of the grounds in the request for appeal do not meet these grounds, that request will be denied by the Appeal Decision-maker and the parties and their resolution advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the request for appeal meet these grounds, then the Appeal Decision-maker will notify the other party(ies) and their resolution advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker.

The other party(ies) and their resolution advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and will be given three business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Appeal Decision-maker to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the stated grounds by the Appeal Decision-maker and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses in three business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and the Appeal Decision-maker will render a decision in no more than three business days, barring exigent circumstances, applying the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which MATC is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent MATC is permitted to share under state or federal law.

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 institutional records, or emailed to the parties' College-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

### **Sanctions Status During Appeal**



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Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, emergency removal procedures for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

MATC may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation from the College.

### **Appeal Considerations**

Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.

Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.

An appeal is not an opportunity for Appeal Decision-maker to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s).

The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.

Except in the instance of disciplinary suspension or discharge of an employee under this Procedure, as provided below, the appeal decision is final: further appeals are not permitted, even if a decision or sanction is changed on remand, except in the case of a new hearing.

In rare cases where a procedural error cannot be cured by the original Decision-maker, as in cases of bias, the appeal may order a new hearing with a new Decision-maker(s).

The results of a new hearing can be appealed, once, on any of the three available appeal grounds.

In cases in which the appeal results in reinstatement to the College or resumption of privileges,



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all reasonable attempts will be made to restore the respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

**Additional Appeal Rights for Certain Employees**

With respect to issues involving disciplinary suspension and discharge under this Procedure, employees may be entitled to the additional appeal to the MATC District Board under Step 3 of the Appeal Process for Discipline, Discharge and Workplace Safety set forth in the MATC Employee Handbook if they meet the requirement for an “employee” as defined in the handbook at the time of the incident.

**False Allegations and Evidence**

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation or administering this process can be subject to discipline under MATC policy.

**Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop sexual harassment and/or retaliation, remedy its effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to referral to counseling and health services, referral to the Employee Assistance Program, education to the individual and/or the community, permanent alteration of work arrangements for employees, implementation of long-term contact limitations between the parties, and implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by MATC to the respondent to ensure no effective denial of educational access.

MATC will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the MATC’s ability to provide these services.

**Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or**



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### **Responsive Actions**

All respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s).

Failure to abide by the sanction(s)/action(s) imposed by the date specified may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from MATC 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.

### **Recordkeeping**

MATC will maintain for a period of [at least] seven years records of:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- Any disciplinary sanctions imposed on the respondent;
- Any remedies provided to the complainant designed to restore or preserve equal access to MATC's education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom;
- All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an informal resolution process. MATC will make these training materials publicly available on MATC's website; and
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - The basis for all conclusions that the response was not deliberately indifferent;
  - Any measures designed to restore or preserve equal access to MATC's education program or activity; and
  - If no supportive measures were provided to the complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

### **Disabilities Accommodations in the Resolution Process**

MATC is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to MATC's resolution process.

Anyone needing such accommodations or support should contact Student Accommodation Services or Human Resources who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.



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## **PROCESS B**

Process B applies when Process A does not apply, as determined by the Title IX Coordinator. Process B may be applied to cases of sexual harassment, including sexual assault, dating violence, domestic violence, and stalking, when the conduct does not fully meet the criteria outlined in Process A.

### **1. Complaint Intake**

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.

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 Title IX Coordinator determines an investigation is warranted. The College aims to complete all investigations of complaints of egregious conduct within a sixty (60) calendar 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.

### **2. 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 trained investigators 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. However, time for completion of the investigation is dependent upon multiple factors including the availability of the parties and witnesses and other relevant information. Investigation may take longer when initial complaints fail to provide direct first-hand information, or when witnesses are unavailable.

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,



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and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

The College will make all efforts to complete an investigation within sixty (60) calendar days from receipt of the complaint. Certain circumstances may require extensions of this timeframe, which the College may make at its sole discretion. An extension may be necessary in instances of complex cases, delays due to semester or holiday breaks, inclement weather, or other circumstances.

If an extension is necessary, it will be concurrently communicated to the complainant and respondent prior to the expiration of the sixty (60) day period. The parties will be advised as to the reasons why the case has not been completed, and when they can reasonably expect a response.

### 3. Interim Measures

The Title IX Coordinator and/or Deputy Title IX Coordinators may provide interim measures 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 measures 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 activity of a student organization whose behavior is in question.

These measures 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 Judicial Affairs Officer may interim suspend a student or organization pending the completion of Equity Grievance Process investigation and procedures (See Policy C0200). 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 Judicial Affairs Officer 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 a policy violation may be suspended pending investigation of the complaint. Employees facing possible disciplinary action as the



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result of information gained during investigation interviews have a right to include an advocate in all meetings with the Title IX Coordinator or investigators in accordance with the policies set forth in the MATC Employee Handbook. 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, 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.

#### **4. 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. If the Title IX Coordinator or Deputy 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 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.

The Title IX Coordinator may, at any time, direct the investigation to continue until a determination can be made as to whether a policy violation occurred based upon the preponderance of the evidence. If the preponderance of the evidence gathered during the investigation supports a finding of violation of College policy and the respondent is a student 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 Human Resources and/or the employee's supervisor. Employee appeals of disciplinary action will





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follow the policies and procedures set forth in the MATC Employee Handbook.

**a. Resolution without a Hearing – Student Conduct**

Resolution without a hearing can be pursued for any student behavior that falls within the policy on Equal Opportunity, Harassment and Nondiscrimination<sup>18</sup>, 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. 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 will determine an appropriate sanction or responsive action. If the sanction/responsive action is accepted by both the complainant and respondent, the College 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, a hearing will be held on the sanction/responsive action only, according to the procedures below.

**b. Formal Hearing – Student Judicial Affairs**

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.

**c. Hearing Panels**

The Judicial Affairs Officer will serve as non-voting Chairperson for all hearings concerning violation of the Equal Opportunity, Harassment and Non-Discrimination policy. The Title IX Coordinator will appoint three other qualified members of college administration to the hearing panel, none of whom have been previously involved with the complaint. No member of the panel may be a practicing attorney. The panel will meet at times determined by the Chair.

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<sup>18</sup> And which does not fall under Process A, which contains separate considerations for informal resolution.



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#### **d. 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 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 a resolution advisor at the hearing. Typically, resolution advisors are members of the campus community, but the Title IX Coordinator may grant permission for an outside resolution advisor upon request. The resolution 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 a resolution advisor. The resolution 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 resolution advisor. The resolution 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.

#### **e. Hearing Procedures**

Hearings will be convened, usually within one to two weeks of the completion of the investigation, and will be conducted in private. The hearing panel has the authority to hear all collateral misconduct, meaning that it 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 under the non-discrimination policy of the college. Accordingly, investigations should be conducted with as wide a scope as



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necessary.

Participants will include the non-voting Chair, the three members of the panel, the investigator(s) who conducted the investigation on the complaint or an alternate investigator to present a report if the Chair conducted the investigation, the complainant and respondent(s), any resolution 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 hearing panel members at least two business days in advance of the hearing. Should either (any) party object to any panelist, that party 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 they cannot make an objective determination must recuse themselves 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 (virtual hearing/testimony, 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 members of the hearing panel, including the Chair. In the event the Chair served as investigator for the complaint, the results of investigation will be presented by an alternate investigator. 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 determine sanctions/responsive actions. Once the investigator(s) is/are questioned, the Chair 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.



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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 their 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 resolution advisors.

Hearings are recorded for purposes of review in the event of an appeal. Hearing panel 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.



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**f. Decisions**

The hearing panel 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 respondent 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.

**g. Sanctions**

Sanctions or responsive actions will be determined by the hearing panel and Title IX Coordinator. Factors considered when determining a sanction/responsive action may include:

- 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 hearing panel
  
- 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



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retaliation on the victim and the community

#### **h. 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 the 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 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.

#### **i. Withdrawal or Resignation While Charges Pending**



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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. <sup>19</sup>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.

**j. 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 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.

**k. 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.

**l. 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.

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<sup>19</sup> See Process A for information relevant to allegations under that process.



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- 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 investigation and hearing 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.

## 5. Revision

These procedures will be reviewed and updated periodically 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 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.