

## Non-Discrimination and Anti-Harassment Policy

Adopted by President's Cabinet 9/22/20; 1/7/21 AE

### I. Policy Statement

East Georgia State College (EGSC), in accordance with applicable federal and state law, and the University System of Georgia, prohibits its faculty, staff and students from engaging in any form of prohibited discrimination or protected status harassment (including sexual harassment), and expects these individuals to refrain from committing acts of bias. EGSC complies with applicable state and federal law which provides that it shall be an unlawful discriminatory practice for any employer, because of the sex (including gender and pregnancy discrimination), age, disability, national origin, race, religion, genetic information, or veteran status of any person, to discharge without cause, to refuse to hire, or otherwise discriminate against any person with respect to any matter directly or indirectly related to employment or academic standing. Consistent with the college's commitment to equal opportunity, affirmative action and academic freedom, this policy is intended to complement the college's Affirmative Action Policy and Plan, statement on Academic Freedom, and ADA employment accommodation policies.

This policy ensures compliance with federal and state laws including Title VI of the Civil Rights Act of 1964 ("Title VI"), Title VII of the Civil Rights Act of 1964 ("Title VII"), Title IX of the Education Amendments Act of 1972 ("Title IX"), Title II of the Genetic Information Act of 2008 ("Title II"), the Americans with Disabilities Act (ADA), the Pregnancy Discrimination Act, the Age Discrimination in Employment Act (ADEA) and any other applicable state and federal law.

- A. Scope:** Allegations of sexual misconduct and allegations of protected class discrimination and harassment are covered under this policy and will be managed by the Title IX Coordinator. The process for investigation and resolution will proceed using a bifurcated process depending on the specific allegation(s) and as stated herein.
- 1. Student Respondents:** allegations of sexual misconduct, discrimination or harassment against student respondents as defined in this policy and in the [EGSC Sexual Misconduct Policy](#) will be managed by the Title IX Coordinator. Charges not informally resolved by the Coordinator will proceed according to the process described in Board of Regents Policy [4.6.5 Standards for Institutional Student Conduct Investigation](#), [EGSC Standards for Handling Sexual Misconduct of Students](#) and the [EGSC Student Code of Conduct and Disciplinary Process](#).
  - 2. Employee Respondents:** All allegations of discrimination, harassment, and sexual misconduct (Title IX and Non-Title IX) against employee respondents will proceed according to the allegation classification and supporting facts as determined by the Title IX Coordinator after initial interviews and evidence gathering. Allegations will be classified as Non-Title IX sexual misconduct or Title IX Sexual Misconduct. Non-Title IX sexual misconduct, discrimination and harassment allegations will be investigated and resolved using the process described in Section II. Title IX sexual misconduct allegations will be resolved using the heightened due process described in Section III.

**B. Definitions:** The definitions apply to these terms as they are used in this Policy:

**Board of Regents:** The governing body of the University System of Georgia.

**Complainant:** An individual who is alleged to have experienced conduct that violates applicable policies.

**Hearing Officer:** An EGSC employee trained in Title IX, discrimination and harassment policies and trained in conducting administrative hearings. The Hearing Officer is the Director of Human Resources, or designee. The Hearing Officer's function is to select the Title IX, Sexual Misconduct, Discrimination and

Conduct Panel, and facilitate the live hearing before the Title IX, Sexual Misconduct, Discrimination and Harassment Panel.

**Title IX Sexual Misconduct, Discrimination and Harassment Panel:** The panel consists of employees trained in Title IX, discrimination and harassment. The panel consists of three employees selected by the Hearing Officer from a pool of trained employees. In Non-Title IX Sexual Misconduct, discrimination and harassment matters, the panel serves as a reviewing body, examining the investigator's report and recommendations, and making a finding and recommendation based upon its examination. In Title IX Sexual Misconduct hearings, the hearing is live, facilitated by a Hearing Officer and the panel serves as the decision maker.

**Respondent:** An individual who is alleged to have engaged in conduct that violates applicable policies.

**Sexual Misconduct:** Includes but is not limited to such unwanted behavior as dating violence, domestic violence, nonconsensual sexual contact, nonconsensual sexual penetration, sexual exploitation, sexual harassment and stalking, as defined in the [EGSC Sexual Misconduct Policy](#).

**Title IX Sexual Misconduct:** conduct **on the basis of sex** that satisfies one or more of the following:

- The provision of an aid, benefit, or service of the college is conditioned on an individual's participation in unwelcome sexual conduct (quid pro quo harassment);
- Unwelcome conduct, determined by a reasonable person, to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity;
- Sexual assault, dating violence, domestic violence or stalking as defined by Title IX.

The alleged conduct must have occurred in the United States on or at a college-sponsored or affiliated event where the college exercises substantial control over both the respondent and the context, or in buildings owned or controlled by a student organization that is recognized by the college.

**Bullying:** Unwanted offensive and malicious behavior that undermines an individual or group through persistently negative attacks. The behavior generally includes an element of vindictiveness, and is intended to undermine, patronize, humiliate, intimidate or demean the recipient. Bullying that targets any individual member of a protected class is covered under this policy. Bullying that is not based on an individual's membership in a protected class will be investigated through the college's employee investigative process, unless violence or threat of violence is involved. In such cases, bullying will be addressed under the EGSC Workplace Violence Policy (see [EGSC Employee Handbook](#)).

## **II. Non-Title IX Sexual Misconduct, Discrimination and Protected Harassment Process and Procedures**

**A. Filing a Complaint:** Any member of the college community who believes that he or she has experienced or witnessed discriminatory, harassing or threatening behavior toward an individual(s) or protected class of individuals should report the incident(s) promptly to the Title IX Coordinator (hereinafter "Coordinator") who has oversight of discrimination, harassment, and Title IX complaints. Sherrie Helms, Associate Vice President for Student Conduct and Title IX serves as EGSC's Title IX Coordinator: (478) 289-2360 or [titleix@ega.edu](mailto:titleix@ega.edu). Any member of the college's faculty or administrative staff that receives a complaint or otherwise becomes aware of behavior that may violate this policy must report the incident directly to the Coordinator. Complaints can be filed in person, in writing (via email) or by telephone. Complaints will be memorialized into a written complaint format and should include as much information

as possible such as: name and contact person of individual accused of misconduct, description of the alleged misconduct, date, time and place of alleged misconduct, name and contact information of witnesses or individuals with knowledge of the incident, whether any tangible physical evidence has been preserved, and whether a police report or criminal complaint has been made. Complaints may also be made via the [EGSC Hotline](#).

Anonymous complaints may limit the extent to which the complaint can be investigated. Complaints should be initiated as soon as possible from the date of the alleged behavior/action or when the complainant first obtained knowledge of the facts of the allegation. A record of each complaint and its resolution will be maintained by the Coordinator.

In the case of violence or threat of violence, immediately call campus police: EGSC Police Department Swainsboro 478-289-2090; Statesboro 478-455-1606; Augusta (706) 721-2911 or other appropriate local law enforcement agency. Prompt reporting of complaints is vital to the college's ability to respond and resolve the complaint.

- B. Initial Evaluation of Reports:** Upon receipt of a complaint or report, the Title IX Coordinator will review and evaluate the allegations to determine whether, if proven, the actions would violate this policy. The Coordinator may seek the advice of the Office of Human Resources or Office of Student Conduct concerning the allegations and relevant policy. The Coordinator will conduct initial interviews of the complainant and respondent and assess whether a formal investigation, informal resolution or dismissal would be appropriate. An assessment of whether any safety concerns exist for the campus community will be conducted, including the need for a broader warning to the campus community as required by the Clery Act. If the allegations indicate a Title IX sexual misconduct matter, the parties will be informed of the heightened due process standards which will apply, as stated in Section III herein, and immediately begin implementing those procedures in the investigation and resolution of the claim. The Coordinator will inform the parties of the availability of support services and interim measures.
- C. Confidentiality:** Where a Complainant requests that their identity be withheld or the allegation(s) not be investigated, the college will consider whether or not such request(s) can be honored while still providing a safe and non-discriminatory environment for the campus community. The college will inform the Complainant that it cannot guarantee confidentiality and that granting confidentiality shall not prevent the college from reporting information or statistical data as required by law, including the Clery Act.
- D. Retaliation:** Retaliation includes intimidating, threatening, coercing or in any way discriminating against the individual because of the individual's complaint or participation or refusal of participation in an investigation or proceeding, concerning an allegation(s) under this policy. Anyone who believes that they have been subjected to retaliation should immediately contact the Title IX Coordinator. Any person found to have engaged in retaliation in violation of this policy shall be subject to disciplinary action.
- E. False Reporting:** Individuals are prohibited from knowingly making false statements or knowingly submitting false information to a system or college official. Any person found to have knowingly submitted false complaints, accusations, or statements, including during a hearing, in violation of this policy shall be subject to appropriate disciplinary action (up to and including suspension and termination) and adjudicated under the appropriate college process.
- F. Support Services:** After the college has received information regarding the alleged misconduct, the parties will be provided written information about support services. Support services are non-disciplinary,

non-punitive individualized services offered as appropriate, as reasonably available, and without charge that are made available to the Complainant and Respondent.

## **G. Investigation and Resolution Process**

- 1. Investigation:** When the Coordinator determines that a case will move to the investigative stage, the Coordinator will assign the case to a trained investigator. The Coordinator will provide notice to the parties via college email that the allegations have moved to the investigative stage, provide the name of the investigator, and inform the parties of the steps in the process. The investigator will conduct an impartial and complete investigation as expeditiously as possible, with a goal of completion of 60 days or less. The Coordinator will permit additional time upon request of either party as necessary to ensure a thorough investigation. Every effort will be made to adhere to the investigative steps and related time frame unless precluded by such circumstances as the unavailability of one or more of the participants in the investigation process. The complainant will be notified if such delays arise.

Complaints will be investigated in a manner that protects the confidentiality of the parties and the facts of the case to the extent allowed by applicable law, including the *Georgia Open Records Act* and the *Family Educational Rights and Privacy Act (FERPA)*. Information obtained during the course of the investigation will be shared only to the extent necessary to conduct a thorough, fair and impartial investigation. Cabinet level supervisors will be informed of complaints filed against an employee in his or her unit and the President will be informed of complaints filed against a Cabinet member. College employees, both parties and non-parties, are required to fully cooperate with an investigation when requested. See [EGSC Cooperation in Internal Investigations Policy](#)

The complainant and the respondent(s) will be interviewed separately by the investigator during which time they should present any information in support of their respective positions. The investigation may extend to interviews with other individuals to provide additional information relevant to the charge: witnesses named by either the respondent or the complainant. Both the complainant and the respondent will have equal opportunities to identify witnesses and evidence with respect to their positions. The respondent and the complainant have the right to an advisor to accompany them at meetings relevant to the proceeding. Attorneys may serve as advisors and attend East Georgia State College employment investigation meetings but will not be allowed to participate. The investigator will collect and maintain appropriate documentation and disclose appropriate information to others only on a need-to-know basis consistent with federal and state law. Following the conclusion of the formal investigation, the investigator will prepare a written investigative report with findings and recommendations and forward it to the Coordinator for review. When the investigative report includes a finding of violation under this policy, the investigative report recommendations should include actions needed to end any sexual misconduct, discrimination and harassment found, to remedy the effects of sexual misconduct, discrimination and harassment, and to prevent any recurrence.

The Coordinator will provide a copy of the report to the complainant and the respondent. The complainant and respondent will have ten business days to review the report and offer amendments or corrections to the investigator. The investigator will review the proposed amendments or corrections, investigate further if warranted and send a final investigative report to the Coordinator, complainant and respondent within five days.

The Coordinator will inform the supervisors and the Director of Human Resources at the conclusion of the investigation and seek input from them as appropriate when considering any resolution or discipline.

- 2. Informal Resolution:** The Complaint may be resolved through informal resolution if both parties agree, unless informal resolution is deemed inappropriate for the specific matter, as determined by the college. If the matter is resolved through informal resolution, the matter is considered concluded and neither parties

have the right of further appeal. If the parties do not agree to the outcome of informal resolution, the matter will then be referred for formal resolution. The Coordinator will complete the process of determining whether an informal resolution is possible, obtaining consent of the parties, or referring the matter for hearing within 5 days of receipt of the final investigative report.

### **3. Formal Resolution by the Title IX Discrimination and Harassment Review Panel**

When a matter is not informally resolved, the Coordinator will refer the final investigative report to the Title IX, Discrimination and Harassment Review Panel (“Review Panel”). The Review Panel consists of employees trained in the Sexual Misconduct Policy and Non-Discrimination and Anti-Harassment Policy and procedure. The Title IX Coordinator selects three panelists from a pool of employees trained in the college’s Title IX, Discrimination and Harassment policies, and that do not have a conflict of interest or bias. The Review Panel will objectively review the investigative report, weigh the evidence from the complainant, the respondent and any witnesses, and apply the preponderance of the evidence standard in determining whether the respondent is responsible for sexual misconduct, harassment and/or discrimination. The Review Panel has the option to accept the investigation report and recommendations, require further fact finding, or reject the findings and recommendation. The Review Panel will consult with HR prior to making recommendations for disciplinary or administrative actions. The Review Panel has 15 days from receipt of the final investigative report to make a finding(s) and recommendation(s).

If a finding of Non-Title IX Sexual Misconduct Policy and/or /Non-Discrimination and Anti-Harassment Policy violation, the Review Panel will instruct the Coordinator to refer the matter to Human Resources and the respondent employee’s direct supervisor for disciplinary sanction. If the Review Panel makes a finding of no violation of the Non-Title IX Sexual Misconduct Policy and/or /Non-Discrimination and Anti-Harassment Policy, but finds that other college policies were violated, the Review Panel will refer the matter to Human Resources for determining a sanction, or when appropriate, for further investigation. Faculty respondents found to have violated this policy or other college policy will be afforded due process as provided in the Board of Regents’ discipline and removal of faculty members procedures, prior to the imposition of any sanctions.

All correspondence to the complainant and the respondent related to the complaint will originate from the Coordinator. The Coordinator will notify the complainant, with a copy to the respondent, of the Review Panel’s decision and, if appropriate, any future course of action, including the taking of steps to prevent any recurrence of sexual misconduct, harassment or violence and to correct any adverse effects. If disciplinary action is to be taken, notification of such should be sent to the respondent with no copy to the complainant, unless the disciplinary action relates directly to the well-being of the complainant, such as a no contact requirement, in which case the complainant will be notified of all provisions related to personal well-being.

**H. Disciplinary Action:** In determining the severity of the sanctions or corrective actions the following will be considered: the frequency, severity, and/or nature of the offense history of past conduct; the respondent’s willingness to accept responsibility; previous college response to similar conduct; strength of evidence; and the well-being of the college community.

**I. Recusal / Challenge for Bias:** Any party may challenge the participation of any college official or employee in the process on the grounds of personal bias by submitting a written statement to the institution’s designee setting forth the basis for the challenge. The written challenge should be submitted within a reasonable time after the individual reasonably should have known of the existence of the bias. The college’s designee will determine whether to sustain or deny the challenge, and if sustained, the replacement to be appointed. The College has appointed the following designee: Mike Rountree, Vice President for Information Technology – [rountree@ega.edu](mailto:rountree@ega.edu); telephone: 478-289-2093.

- J. Appeals:** The decision of the Review Panel and the sanction may be appealed to the President within 10 days of the Panel's finding. The appeal will consist of a review of the record only; no new information may be presented. An appeal to the President will be decided within 5 days of receipt of the appeal by the President. An employee may apply to the Board of Regents Office of Legal Affairs for a review of the decision, per Board of Regents Policy 6.26 [Application for Discretionary Review](#).

### **III. Title IX Sexual Misconduct/Harassment Complaint Process and Procedures**

The **EGSC Sexual Misconduct Policy** defines prohibited conduct, describes the reporting process, complaint evaluation, and the college's response procedures and notes when specific provisions **differ** in the college's response procedures to Title IX Sexual Misconduct allegations against employee and students. Response procedures provided in the EGSC Sexual Misconduct Policy applicable to employees include support services, interim measures, emergency removal, jurisdiction, informal resolutions, and the 120-day timeframe for resolution. In addition, the college's response to allegations of Title IX Sexual Misconduct against an employee will include the following standards.

- A. Access to Advisors:** Both the Complainant and the Respondent, as parties to the matter shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing. The advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the sexual misconduct process, including providing questions, suggestions and guidance to the party, but may not actively participate in the process except to conduct cross-examination at the hearing as outlines in the Resolution/Hearing section below. If a party chooses not to use an advisor during the investigation, the institution will provide an advisor for the purpose of conducting cross-examination on behalf of the relevant party.

All communication during the sexual misconduct process will be the college and the party and not the advisor. The college will copy the party's advisor prior to the finalization of the investigation report when the college provides the parties the right to inspect and review directly related information gathered during the investigation. With the party's permission, the advisor may be copied on all communications.

- B. Investigation:** Throughout any investigation and resolution proceeding, a party shall receive written notice of the allegations made against them and shall be provided an opportunity to respond. In all internal investigations, all employees, both parties and non-parties, are required to cooperate to the fullest extent possible in any internal investigation conducted by the Board of Regents or any institution thereof when directed to do so by the persons who have been granted investigative authority.

Until a final determination of responsibility, the Respondent is presumed to have not violated any applicable policies associated with the allegations. Prior to finalizing the investigation report, timely and equal access to information directly related to the allegations that has been gathered during the investigation and may be used at the hearing will be provided to the Complainant, Respondent, and the party's advisor, where applicable.

Formal judicial rules of evidence do not apply to the investigation process; the standard of review throughout the investigation and resolution processes is a preponderance of the evidence.

Additionally, the investigation procedures will include:

- 1. The Title IX Coordinator shall provide to the parties written notice of the**
  - a. Report/allegations with sufficient details\*;
  - b. Pending investigation;

- c. Possible charges;
- d. Possible sanctions;
- e. Available support services and interim measures
- f. Identity of any investigator's involved; and
- g. Other rights as applicable under college policies.

\*Sufficient details include:

- The identities of the parties involved, if known;
- The conduct allegedly constituting sexual misconduct; and
- The date and location of the incident, if known.

This information will be supplemented as dictated by the evidence collected during the investigation.

## **2. Response by the Parties to the Notice**

- Within at least three business days of receipt of the written notice
- Respondent may admit or deny the allegations, set forth a defense with facts, witnesses and supporting materials; and
- Complainant may respond to and supplement the notice.

Throughout the investigation and resolution processes, the Complainant and the Respondent shall have the right to present witnesses and other inculpatory and exculpatory evidence.

3. **Admission of Responsibility by Respondent:** If the Respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
4. **Investigation:** An investigator shall conduct a thorough investigation and should retain written notes and/or written or recorded statements from each interview. The investigator shall also keep a record of any party's proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.
5. **Privileged Information:** The investigator shall not access, consider, disclose or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
6. **Initial Investigation Report:** The initial investigation report shall be provided to the Complainant, the Respondent and the party's advisor, if applicable. This report should fairly summarize the relevant evidence gathered during the investigation and clearly indicate any resulting charges or alternately, a determination of no charges. For purposes of this policy, a charge is not a finding of responsibility.
7. **Review and Response by the Parties to the Investigation Report:** The Complainant and the Respondent shall have at least 10 calendar days to review and respond in writing to the initial investigation report and directly related information gathered during the investigation. The investigator will review the Complainant's and Respondent's written responses, if any, to determine whether further investigation or changes to the investigation report are necessary. The final investigation report should be provided to the Complaint, the Respondent and a party's advisor, if applicable, at least 10 calendar days prior to the hearing. The final investigation report should also be provided to the Hearing Officer for consideration during the adjudication process.

### C. Resolution/Hearing

1. **Informal Resolution:** The Respondent and the Complainant, as parties to the matter, may have the option of selecting informal resolution as a possible resolution in certain cases where both parties agree, and it is deemed appropriate by the college. Student allegations of Title IX Sexual Misconduct against an employee may not be resolved informally. The Complainant and the Respondent have the option to end informal resolution discussions and request a formal process at any time before the terms of an informal resolution is reached. However, matters resolved informally shall not be appealable.
2. **Title IX Hearing:** Matters involving alleged Title IX Sexual Misconduct against an employee must be heard at a live hearing, as outlined below. The live hearing will be facilitated by a Hearing Officer and conducted before the Title IX Non-Discrimination and Anti-Harassment Panel. The Hearing Officer is the Director of Human Resources, or designee. The Title IX Non-Discrimination and Anti-Harassment Panel is a three-member panel of employees trained in Title IX Sexual Misconduct, discrimination and harassment. The Title IX Coordinator selects three members from a pool of trained employees. The Panel serves as the decision maker. The hearing will be recorded.
  - A. **Notice to the Parties:** Notice of the date, time and location of the hearing as well as the identity of the designated Hearing Officer and Title IX Non-Discrimination and Anti-Harassment Panel members shall be provided via email at least 10 calendar days prior to the hearing. Parties may attend the hearing with their advisor.
  - B. **Hearing Format and Expectations of the Participants:** Hearings shall be conducted in-person or via video conferencing technology. At all times, participants in the hearing process, including the parties, a party's advisor, witnesses, and college officials are expected to act in a manner that promotes dignity and decorum throughout the hearing. Participants are expected to be temperate, respectful to others and follow procedural formalities outlined in this policy and by the college. The college reserves the right to remove any participant from the hearing. The college may outline its own rules of decorum and behavioral expectations.
  - C. **Investigator May Testify:** The investigator may testify as a witness regarding the investigation and findings but shall otherwise have no part in the hearing process and shall not attempt to influence the proceedings outside of providing testimony during the hearing.
  - D. **Evidence** - All directly related evidence shall be available at the hearing for the parties and their advisors to reference during the hearing. Relevant facts or evidence that were not known or knowable to the parties prior to the issuance of the final investigation report **shall be** admissible during the hearing. The college will determine how the facts or evidence will be introduced. The admissibility of any facts or evidence known or knowable by the parties prior to the issuance of the final investigation report, and which were not submitted during the investigation, shall be determined by the college in compliance with the obligation to provide both parties an equal opportunity to present and respond to witnesses and other evidence.
  - E. **Unavailable Party or Witness** – Where a party or a witness is unavailable, unable, or otherwise unwilling to participate in the hearing, including being subject to cross examination, the Panel shall not rely on statements of that party or witness in reaching its determination regarding responsibility. The Panel shall not draw an adverse inference against the party or witness based solely on their absence from the hearing or refusal to subject to cross examination.
  - F. **Right to Confront Other Party and Witnesses** – The parties shall have the right to confront any witness, including the other party, by having their advisor ask relevant questions directly to the witness. The Hearing Officer shall limit questions raised by the advisor when they are irrelevant to determining the veracity of the allegations against the Respondent(s). In any such event, the Hearing

Officer shall err on the side of permitting all raised questions and must document the reason for any question it rejects.

- G. **Prior Sexual Behavior and Sexual Predisposition Questions** – Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior, shall be deemed irrelevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct or consent between the parties during the alleged incident.
- H. **Treatment and Other Confidential Records:** The Panel shall not access, consider, disclose or otherwise use a party’s records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made in connection with the party’s treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
- I. **Standard of Evidence:** Formal rules of evidence do not apply to the hearing process; the standard of evidence shall be the preponderance of the evidence.
- J. **Written Decision:** Following the hearing, the parties shall be simultaneously provided a written decision of the hearing outcome and any resulting administrative or disciplinary actions via email. The decision must include the allegations, procedural steps taken through the investigation and resolution process, findings of facts supporting the determination(s), determination(s) regarding responsibility, and the rationale for any disciplinary or other administrative action.

#### **D. Title IX Disciplinary Action**

In determining the severity of sanctions or corrective actions the following should be considered: the frequency, severity, and or nature of the offense; history of past conduct; an offender’s willingness to accept responsibility; previous institutional response to similar conduct; strength of the evidence; and the wellbeing of the college community. The college will determine disciplinary action and issue notice of the same, as outlined above.

#### **E. Title IX Appeals**

The Complainant and the Respondent shall have the right to appeal the outcome on any of the following grounds:

- To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original investigation (or hearing), because such information was not known or knowable to the person appealing during the time of the investigation (or hearing);
- To allege a procedural error within the investigation or hearing process that may have substantially impacted the fairness of the process, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX investigator (s), or administrative decision maker(s), or
- To allege that the finding was inconsistent with the weight of the information.

The appeal must be in writing, must set forth one or more of the bases outlines above, and must be submitted within five business days of the date of the final written decision. The appeal should be made to the President solely on one or more of the above stated grounds. The appeal shall be a review of the record only, and no new meeting with the Respondent or Complainant is required.

The President may affirm the original finding and sanction, affirm the original finding but issue a new sanction of greater or lesser severity, remand the case back to the decision maker to correct a procedural or factual defect, reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The President’s decision shall be in writings, issued within a

reasonable time period, and transmitted simultaneously to the Complainant and Respondent. The President's decision shall be the final decision of the college.

The Complainant or Respondent may request review of the President's decision as provided in the Board of Regents Policy Manual 6.26 [Application for Discretionary Review](#).

**F. Recordkeeping:** The college shall maintain documentation of the investigation and resolution process, which may include written findings of fact, transcripts, audio recordings and video recordings. Documentation will be retained for seven years.