

## **Title IX Statement**

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs and activities at institutions that receive federal funding. To ensure compliance with Title IX and other federal and state civil rights laws, Housatonic Community College, hereafter referred to as the College, enforces the Board of Regents for Higher Education policies that prohibit sexual misconduct and discrimination on the basis of sex (see Student Handbook). The actions and behaviors governed by the aforementioned laws and policies include gender- and sex-based harassment and discrimination, sexual misconduct (sexual violence, sexual assault, etc.), as well as domestic violence and dating violence, for the purpose of this procedure all of these terms will be referred to under the general term, misconduct. The College has also developed internal procedures for how these types of grievances will be processed.

The College is committed to providing a workplace or learning environment or both that are free from misconduct. The grievance procedures below are specifically for the adjudication of complaints of misconduct when such complaints involve the College's students, faculty, staff, administrators, and third parties. Inquiries regarding Title IX can be referred to The College's Title IX Coordinator or to the Office for Civil Rights under the Federal Department of Education (contact information for both entities is provided later in these procedures).

Anyone who believes he or she has been subjected to misconduct is encouraged to report these incidents. Upon receiving a grievance report, The College will respond promptly, equitably, and thoroughly. The College will take appropriate steps to prevent the recurrence of the misconduct and correct its effects.

## **Title IX Coordinator**

In accordance with Title IX, the College has designated a Title IX coordinator, who is responsible (1) for tracking and monitoring incidents of misconduct, (2) for ensuring the College responds effectively to each person making a complaint, and (3) for conducting investigations of situations where necessary. College staff and students can contact the Title IX coordinator with questions or concerns about Title IX as well as complaints of non-compliance.

### **Title IX Contact Information:**

Marilyn A. Albrecht  
Office: Lafayette Hall, A202  
Phone: (203) 332-8521  
Email: [malbrecht@hcc.commnet.edu](mailto:malbrecht@hcc.commnet.edu)

### **Office for Civil Rights Contact Information:**

U.S. Department of Education  
Office for Civil Rights  
Telephone: 1-800-421-3481  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

## **Note on Confidentiality**

Any College official (e.g., faculty member, staff member, dean, etc.) informed of an allegation of misconduct involving students or other members of the College community is required to file a report with the Title IX Coordinator.

While there is no guarantee of confidentiality, the College will make all reasonable efforts to maintain the privacy of the parties involved in investigations. Breaches of confidentiality by parties involved will be reviewed and may be considered a violation of college policy and could

result in additional disciplinary action. Any action that could be deemed retaliatory will be dealt with according to this procedure (see “Retaliation”).

When a report of misconduct is investigated, the complainant, the respondent, and all identified witnesses who are interviewed will be notified of the College’s expectation of confidentiality.

## DEFINITIONS

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**complainant**, a student or employee of the College who alleges that he or she has been subjected to discriminatory practices or sexual misconduct. Complainants may be individuals or groups.

**gender discrimination or gender harassment**, discrimination or harassment that can be physical, or verbal, or both which is based on the person's gender but is not sexual in nature.

**grievance**, a description of facts that alleges a violation of The College's policy against discrimination or sexual misconduct. The Title IX Coordinator may request that the grievance be made in writing.

**identified witnesses**, persons who have information about the alleged sexual misconduct that will tend to prove, disprove, or otherwise illuminate an investigation of a grievance.

**respondent(s)**, a person or persons who are members of the campus community who allegedly violated the College’s policies regarding sex- and gender-based discrimination or sexual misconduct. Respondents may be individuals, groups, programs, academic or administrative units, or the college itself.

**retaliation**, actions taken against an individual because he or she: (a) made a report of discrimination or sexual misconduct in good faith, (b) assisted someone with a report of discrimination or sexual misconduct, or (c) participated in any manner in an investigation or resolution of a report of discrimination or sexual misconduct. If retaliation occurs, the person may report it, and it shall be processed through these procedures.

**sex discrimination**, a behavior or action that denies or limits a person's ability to benefit from or fully participate in educational activities or employment opportunities because of a person's sex. Examples of discrimination that are covered under Title IX include but are not limited to the following:

- sexual misconduct
- sexual harassment
- sexual violence
- employment discrimination
- failure to provide equal opportunity in educational programs and co-curricular programs including athletics
- discrimination based on pregnancy

**sexual misconduct**, a range of behaviors including sexual harassment and sexual violence. It includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature (1) which is so sufficiently severe, persistent, or pervasive that it limits a student's ability to participate in or benefit from an education program, (2) which creates a hostile or abusive educational environment, (3) which obviously or subtly affects an individual's employment, unreasonably interferes with an individual's work performance, or (4) which creates an intimidating, hostile, or offensive work environment.

**third-party complainant**, an individual who reports a grievance on behalf of another member of the campus community who has allegedly been the subject of discrimination or sexual misconduct.

**temporary measures**, restrictions the College may institute at any point in the grievance process. The College can place the respondent on investigative leave, reassign the respondent to alternative work or class assignments, establish limited or no contact provisions, or authorize other types of short term restrictions which will be decided on a case by case basis.

## **HOW TO FILE A GRIEVANCE**

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A grievance reporting alleged misconduct by a student, faculty member, or staff member can be filed with the Title IX Coordinator (see contact information on page 1). Students and college community members should be advised that any staff member who is made aware of a potential Title IX violation is obligated to forward the information to the Title IX Coordinator, who then must act on the information to ensure measures are taken for the safety of the College community.

Individuals who wish to take legal action must also report criminal acts of misconduct to the appropriate police department. Individuals can file reports with the College, or with the police, or with both systems. Because the standards for finding a violation of criminal law are different from the standards in this policy, the determination of either is not indicative of the determination of the other process.

The College encourages prompt reporting, but it does not have a limited timeframe in which to file the grievance; however, the College's ability to take action may be negatively affected by an extended length of time between the alleged incident and the report.

No person shall make an allegation that he or she knows to be untrue or knowingly provide false information during the course of an investigation. An individual who makes a false complaint or provides false information during the process of an investigation is in violation of the College's policy and may be subject to sanction(s) by the College.

## POTENTIAL OUTCOMES FROM FILED GRIEVANCE

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**Mediation** shall be pursued only with the consent of both parties. If the mediation results in a resolution, the formal grievance procedure shall be concluded; and the case will be closed. If the parties are unable to reach a resolution in a timely manner or if either party requests that the mediation be terminated, the grievance process shall proceed with an investigation.

- Mediation is never an option for resolution in cases involving allegations of sexual assault. In cases involving other forms of alleged sexual misconduct, the Title IX Coordinator shall determine whether mediation is an appropriate mechanism of resolution based on the situation.

**Investigation** into reports of discrimination or sexual misconduct shall incorporate the following standards:

1. The Title IX Coordinator is the designated person to conduct investigations into allegations of misconduct and to coordinate the College's response.
2. The respondent shall be provided with a copy of the written complaint or documentation of the grievance or both. If respondent cannot be located, the attempts to locate him or her will be documented.
3. The individual(s) conducting the investigation will be familiar with the policies prohibiting misconduct and have training in conducting investigations.
  - a. The investigation shall generally include interviews with both parties (the complainant and the respondent), interviews with witnesses, and the review of pertinent documents.
  - b. Disclosure of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation.
  - c. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation, and so they must refrain from discussing the pending investigation with other members of the College community.
4. Throughout the investigation protections or accommodations may be instituted, and failure to comply with the terms of the temporary measures may be considered a separate violation of college policy.
5. The investigation shall be completed as promptly as possible. Written notification confirming the completion of the investigation and the investigation's result will be sent to both parties.
  - a. The complainant shall be notified that the matter has been referred for disciplinary action but shall not be informed of all the specific details of the recommended disciplinary action without the consent of the respondent.
  - b. The respondent shall be informed of the findings and of actions taken or recommended to resolve the complaint. The respondent shall be notified of referrals for disciplinary action and the recommended disciplinary action.
  - c. Both the complainant(s) and respondent(s) may request a copy of the investigation report.

6. The written report of the investigation should include the following: a statement of the allegation(s), a summary of the information considered, the findings, a determination whether or not the policy has been violated, and the maximum possible sanctions for the violation. There are three possible findings from the investigation. The allegations may be found to be (1) substantiated, that is, that it is more likely than not that the allegation is true; (2) unsubstantiated, that is, that it is not possible to determine whether the allegation is true (there is insufficient evidence to prove or disprove that the allegation is true); (3) unfounded, that is, that it is more likely than not that the allegation, while made in good faith, is untrue. A finding that the allegations are unfounded does not indicate that the complaint was improper or knowingly false.
7. The report will contain a recommendation for actions to resolve the complaint, including but not limited to educational programs, counseling, mediation, remedies for the complainant, and a referral to disciplinary procedures, as appropriate. The report may be used as evidence in other related procedures, such as subsequent complaints, grievances, or disciplinary actions.
8. Copies of the investigation report will be provided to those individuals who are directly responsible for implementing measures to correct and prevent the misconduct.
9. Either the complainant or respondent can request a hearing to appeal the results of the investigation. They have the right to the following:
  - a. to be heard within five days or as soon as possible, by an impartial panel whose members shall be appointed by the Title IX coordinator,
  - b. to appear in person and have an advisor attend as a support person for the student (this advisor will not speak on behalf of the student but rather lend them support),
  - c. to hear and question the information presented,
  - d. to present information, to present witnesses, to make a statement on his or her behalf, and to receive the panel's decision in writing.
10. The sanctions imposed by the panel are effective immediately.
11. A written request for the review of the panel's decision must be received by the President of the College within three calendar days after the student is notified of the panel's decision. The written request must clearly explain the grounds for review. The review by the President is limited to the record of the hearing, the written request, and any supporting documentation submitted with the request. The decision of the panel will be upheld unless the President finds one or more of the following:
  - a. that a violation of the procedures set forth herein significantly prejudiced the panel against an involved party
  - b. that the information presented to the panel was not substantial enough to justify the decision or
  - c. that the sanction or sanctions imposed were disproportionate to the seriousness of the violation.