

APPENDIX 3

SEX-BASED HARRASSMENT AND NONDISCRIMINATION RESOLUTION PROCESS (Hereinafter the “Resolution Process”)

Table of Contents

Overview	3
Notice/Complaint.....	3
Collateral Misconduct	3
Initial Evaluation	3
Consolidation of Complaints.....	5
Counter-Complaints.....	6
Dismissal	6
Appeal of Dismissal	6
Emergency Removal/Administrative Leave of a Respondent	8
Advisors in the Resolution Process.....	8
Who Can Serve as an Advisor?.....	8
Advisor’s Role in the Resolution Process.....	9
Records Shared with Advisors	10
Advisor Violations	10
Ensuring Impartiality.....	10
Witness Role and Participation in Investigation.....	10
Interview Records	11
Evidentiary Considerations	11
Respondent Admits Responsibility	12
Withdrawal or Resignation Before Complaint Resolution	12
Resolution Option Overview.....	13
Option One: Supportive Measures and Remediation	13
Option Two: Informal Resolution	13
Educational Conversation	14
Settlement Agreement / Accepted Responsibility.	14
Alternative Resolution.	15
Option 3: Formal Resolution Process.....	17

Notice of Investigation and Allegations (NOIA)	17
Resolution Timeline	18
Investigation.....	18
Hearing Resolution Process	20
Live Hearing.....	22
The Decision-maker’s Determination	23
Sanctions.....	23
Student Sanctions	24
Employee Sanctions	24
Notice of Outcome.....	25
Request for Appeal	25
Appeal Grounds	25
Appeal of the Determination	26
Appeal Determination Process	26
Appeal Outcome	27
Sanction Status During the Appeal	27
Remedies/Other Actions.....	27
Failure to Comply with Sanctions, Responsive Actions, and/or Informal Resolution Terms	28
Recordkeeping	28
Accommodations and Support During the Resolution Process.....	28
Revision of these Procedures	29

Overview

CVTC will act on any Notice or Complaint of a potential violation of the Sex-Based Harassment and Nondiscrimination Policy (“the Policy”) that the Title IX Coordinator receives by applying the Resolution Process below.

The procedures below apply to all allegations of sex-based discrimination or sex-based harassment or retaliation under Title IX that occurred on or after August 1, 2024.

Notice/Complaint

Upon Notice or a Complaint of an alleged Policy violation, the Title IX Coordinator¹ will initiate a prompt initial evaluation to determine CVTC’s next steps.

Collateral Misconduct

Collateral misconduct is defined to include potential violations of other CVTC policies not incorporated into the Policy on Sex-based Harassment and Nondiscrimination that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all charges. Thus, the collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these Procedures. In such circumstances, the Title IX Coordinator may consult with CVTC officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the discretion of CVTC. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the student, faculty, and staff handbooks.

Initial Evaluation

The Title IX Coordinator will conduct an initial evaluation typically within ten (10) business days of receiving Notice or a Complaint of alleged sex discrimination or sex-based harassment. The initial evaluation typically includes:

- Assessing whether the reported conduct may reasonably constitute a violation of the Policy.
- Determining whether CVTC has jurisdiction over the reported conduct, as defined in the Policy.
 - The Policy applies to CVTC’s education programs and activities, in which CVTC exercises substantial control over both the Respondent and the context in which the conduct occurred and in circumstances where CVTC has disciplinary

¹ The Title IX Coordinator may designate duties to another qualified individual –such individual shall exercise the powers of the Title IX Coordinator as detailed herein

authority. A complainant does not have to be a member of CVTC community to file a Complaint but must have been participating or attempting to participate in the College's education program or activities at the time of the alleged incident. In some instances, such conduct may extend to off-campus or online conduct.

- If conduct is not within CVTC jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate CVTC office for resolution.
- Offering and coordinating supportive measures for the Complainant.
- Offering and coordinating supportive measures for the Respondent, as applicable.
- Notifying the Complainant, or the person who reported the allegation(s), of the resolution processes, including a supportive and remedial response, an Informal Resolution option, or the Resolution Process described below.
- Determining whether the Complainant wishes to make a Complaint.
- Notifying the Respondent of the resolution processes, including a supportive and remedial response, an Informal Resolution option, or the Resolution Process described below, if a Complaint is made.

Helping a Complainant to Understand Options

If the Complainant indicates they wish to initiate a Complaint (in a manner that can reasonably be construed as reflecting intent to make a Complaint), the Title IX Coordinator will help to facilitate the Complaint, which will include:

Working with the Complainant to determine whether the Complainant wishes to pursue one of three resolution options (if appropriate under the discretion of the Title IX Coordinator):

- a supportive and remedial response, and/or
- Informal Resolution, or
- the Formal Resolution Process described below.

If the Complainant elects for the Resolution Process below, and the Title IX Coordinator has determined the Policy applies and that CVTC has jurisdiction, they will route the matter to the appropriate Resolution Process, will provide the Parties with a Notice of Investigation and Allegation(s), and will initiate an investigation consistent with these Procedures.

If any Party indicates (either verbally or in writing) that they want to pursue an Informal Resolution option, the Title IX Coordinator will assess whether the matter is suitable for Informal Resolution and refer the matter accordingly.

If the Complainant indicates (either verbally or in writing) that they do not want any action taken, no Resolution Process will be initiated (unless deemed necessary by the Title IX Coordinator), though the Complainant can elect to initiate one later, if desired.

Title IX Coordinator's Authority to Initiate a Complaint

There are some instances where the Title IX Coordinator may elect to initiate a Complaint if the Complainant does not wish to file a Complaint or withdraws some or all of the allegations in their Complaint. The Title IX Coordinator will consider the following factors to determine whether to file a Complaint:

- The Complainant's request not to proceed with initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of sex-based discrimination would occur if a Complaint is not initiated;
- The severity of the alleged sex-based discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the sex discrimination and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is a CVTC employee;
- The scope of the alleged sex-based discrimination, including information suggesting a pattern, ongoing sex-based discrimination, or sex-based discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decision-maker in determining whether sex-based discrimination occurred;
- Whether CVTC could end the alleged sex-based discrimination and prevent its recurrence without initiating its resolution process.

After the Title IX Coordinator evaluates the foregoing and any other relevant factors, if the Title IX Coordinator concludes the alleged conduct presents a serious and imminent threat to the health or safety of the Complainant or other person, or the alleged conduct prevents CVTC from ensuring equal access to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

When the Title IX Coordinator initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy.

Consolidation of Complaints

CVTC may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

Counter-Complaints

CVTC is obligated to ensure that the Resolution Process is not abused for retaliatory purposes. Although CVTC permits the filing of counter-complaints, the Title IX Coordinator will use an initial evaluation, described above, to assess whether the allegations in the counter-complaint are made in good faith. When counter-complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a violation of the Policy.

Counter-complaints determined to have been reported in good faith will be processed using the Resolution Process below. At the Title IX Coordinator's discretion, investigation of such claims may take place concurrently or after resolution of the underlying initial Complaint.

Dismissal

CVTC **may** dismiss a Complaint if one or more of the following grounds are met:

- 1) CVTC is unable to identify the Respondent after taking reasonable steps to do so;
- 2) The Respondent is not participating in CVTC's Education Program or activity and/or is not employed by CVTC;
- 3) A Complainant voluntarily withdraws any or all of the allegations in the Complaint; the Title IX Coordinator declines to initiate a Complaint; and CVTC determines that without the Complainant's withdrawn allegations, the remaining allegations (if any) would not constitute sex-based discrimination under Title IX or its regulations even if proven; or
- 4) After making reasonable efforts to clarify the allegations with the Complainant, CVTC determines the conduct alleged in the Complaint, even if proven, would not constitute sex-based discrimination under Title IX or its regulations.

The assigned Investigator or Decision-maker can recommend dismissal to the Title IX Coordinator, if they believe one or more of the above grounds are met.

Upon any dismissal, CVTC will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after CVTC has notified the Respondent of the allegations, CVTC will also notify the Respondent of the dismissal and the rationale for the dismissal.

Appeal of Dismissal

The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be in writing and filed within ten (10) business days of the notification of the dismissal.

The Title IX Coordinator will notify the Parties of any appeal of the dismissal. If, however, the Complainant appeals, but the Respondent was not notified of the Complaint, the Title IX

Coordinator will provide the Respondent with a Notice of Investigation and Allegation(s) (NOIA)² and will notify the Respondent of the Complainant's appeal with an opportunity to respond.

Throughout the dismissal appeal process, CVTC will:

- Implement dismissal appeal procedures equally for the Parties;
- Assign a trained Dismissal Appeal Officer (Associate Vice President of Student Services) who did not take part in an investigation of the allegations or dismissal of the Complaint;
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal; and
- Notify the Parties of the result of the appeal and the rationale for the result.

The grounds for dismissal appeals are limited to:

- 1) Procedural irregularity that would change the outcome;
- 2) New evidence that would change the outcome and that was not reasonably available when the dismissal was decided; or
- 3) The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a dismissal appeal in writing from one or more Parties, the Title IX Coordinator will share the appeal with the other party and provide ten (10) business days for other Parties to provide a written response to the appeal. Such response shall be sent to the Title IX Coordinator. At the conclusion of the response period, the Title IX Coordinator will forward the appeal, as well as any response provided, to the Associate Vice President of Student Services for consideration.

If the Request for Appeal does not provide information that meets the grounds in these Procedures, the Associate Vice President of Student Services will deny the appeal and notify the Parties and their Advisors, and the Title IX Coordinator in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in this Policy, then the Associate Vice President of Student Services will notify all Parties and their Advisors, and the Title IX Coordinator, of the decision and rationale in writing. The effect will be to reinstate the Complaint.

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. Regardless, appeal decisions are deferential to the original determination, making changes only

² Defined in the "Formal Resolution" section of these Procedures.

if there is a compelling justification to do so. The Associate Vice President of Student Services has ten (10) business days to review and decide on the appeal, though extensions can be granted at the discretion of the Title IX Coordinator, and the Parties will be notified of any extension.

Emergency Removal/Administrative Leave of a Respondent

CVTC may remove a Respondent accused of Sex Discrimination or Sex-based Harassment following receipt of Notice or Complaint, or at any time during the resolution process on an emergency basis. Prior to an emergency removal (or in the case of an employee, administrative leave), CVTC will conduct an individualized safety and risk assessment and may remove the Respondent if that assessment determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies such action.

When an emergency removal is imposed the affected Respondent will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal within three (3) business days of the notification. Upon receipt of a challenge, CVTC will meet with the Respondent (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal should not be implemented.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal or interim suspension is appropriate, should be modified, or lifted. When this meeting is not requested within three (3) business days, objections to the emergency removal are deemed waived. A Respondent can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting.

When applicable, a Complainant may provide information to CVTC for review.

An emergency removal or administrative leave may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. CVTC will communicate the final decision in writing, typically within three (3) business days of the review meeting.

Advisors in the Resolution Process

Who Can Serve as an Advisor?

The Parties in all complaints that involve at least one student may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings, interviews and hearings within the Resolution Process, including intake. The

Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.³

If a party does not have an advisor, they can request an Advisor. If the Parties choose an Advisor from CVTC, the Title IX Coordinator will assign an Advisor and ensure they are familiarized with CVTCs Resolution Process.

CVTC cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, CVTC is not obligated to provide an attorney to advise that party.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

Advisor's Role in the Resolution Process

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so. Advisors are expected to advise without disrupting the proceedings.

The Parties are expected to respond to questions on their own behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow private consultation.

CVTC generally expects an Advisor to adjust their schedule to allow them to attend CVTC meetings/interviews/hearings when planned, but CVTC may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

CVTC may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies.

³ "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being an administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions. Additionally, choosing an Advisor who is also a witness in the process creates potential for bias and conflicts of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-maker(s).

All Advisors are subject to the same CVTC policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by the CVTC.

Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to access relevant evidence, and/or the same written investigation report that accurately summarizes this evidence. Advisors are expected to maintain the confidentiality of the records shared to the extent it will not impact the effective representation of the Party. Advisors who fail to comply with such expectations should understand that these Procedures do not operate to limit actions under other state and federal laws, including defamation actions.

Advisor Violations

Any Advisor who oversteps their role as defined by these Procedures, or who refuses to comply with the CVTC's established rules of decorum, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview may be ended, or other appropriate measures implemented, including the CVTC requiring the party to use a different Advisor or providing a different CVTC-appointed Advisor.

Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process, including the Title IX Coordinator, 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 Title IX Coordinator will vet the assigned Investigator(s), Decision-maker(s), and Appeals officers for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. Within two (2) days of being notified of the assignment of an Investigator(s), Decision-maker(s), or Appeal Decision-maker(s), a Party may 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. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with Associate Vice President of Student Services.

Witness Role and Participation in Investigation

Employees (not including Complainant and Respondent) are required to cooperate with and participate in the CVTC's investigation and Resolution Process. CVTC cannot require student witnesses and witnesses from outside the CVTC community to participate, but such witnesses are encouraged to cooperate with CVTC investigations and to share what they know about a Complaint.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, etc.), or, in limited circumstances, by telephone. CVTC will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

Interview Records

It is standard practice for Investigators to create record of all interviews pertaining to the Resolution Process (other than Informal Resolution meetings). The Parties may review copies of their own interviews, upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings. All involved individuals should be made aware of audio and/or video recording.

Recordings will be maintained until a final resolution has been reached or seven years, whichever comes first. Recordings will be stored in a secure case management platform.

Evidentiary Considerations

The Resolution Process involves an objective evaluation of all available relevant and not otherwise impermissible evidence. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

The Investigator(s) and the Decision-maker(s) will only consider evidence that is deemed relevant and not otherwise impermissible under Title IX and its regulations.

Relevant evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

Impermissible evidence is:

- evidence that is protected under a privilege as recognized by federal or state, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- a party's or witness' records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the recipient obtains that party's or witness' voluntary, written consent for use in these Procedures; or

- evidence that relates to the Complainant’s sexual interests or prior sexual conduct, unless it is either: (a) evidence about the Complainant’s prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or (b) is evidence about specific incidents of the Complainant’s prior sexual conduct with the Respondent that is offered to prove consent to alleged sex-based harassment.

The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant’s consent or preclude a determination that sex-based harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

Respondent Admits Responsibility

At any point in the proceedings, if a Respondent elects to admit to the charged violations and waive further process, the Title IX Coordinator is authorized to accept that admission, adopt it as their finding/final determination, and administer sanctions. This waives Respondent’s rights to appeal. The Complainant retains their right to appeal a determination when a Respondent admits responsibility.

Withdrawal or Resignation Before Complaint Resolution

Should a Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a Respondent withdraws from CVTC or resigns employment with CVTC (as applicable), the Resolution Process may continue, or CVTC may dismiss the Complaint. If the Complaint is dismissed, CVTC will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged Title IX violation.

When a student withdraws or leaves while the process is pending, the student may not return to CVTC in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Title IX Coordinator has discretion to dismiss the Complaint. The Registrar and Office of Admissions will be notified, accordingly.

When an employee resigns and the Complaint is dismissed, the employee may not return to CVTC in any capacity, as a student or employee. Talent & Culture, the Registrar, and admissions will be notified, accordingly.

Resolution Option Overview

At CVTC, we offer three primary resolution options for an alleged Title IX violation: (1) Supportive Measures and Remediation, (2) Informal Resolution, and (3) Formal Resolution. The process considers the Parties' preferences but is ultimately determined at the Title IX Coordinator's discretion.

All resolution proceedings are confidential to the greatest extent possible. All individuals present at any time during the Resolution Process are expected to maintain the confidentiality of the proceedings in accordance with CVTC's Policy.

Option One: Supportive Measures and Remediation

Unless prohibited by law, CVTC will offer Supportive Measures and Remediation. A Complainant may also make a request to the Title IX Coordinator at any time prior to a final determination, or the Title IX Coordinator may offer the option to the Parties, in writing.

- **Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation.

The Title IX Coordinator will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant's access to the CVTC's education program and activity. Such measures can be modified as the Complainant's needs evolve over time or circumstances change. If the Respondent has received the NOIA, the Title IX Coordinator may also provide reasonable supportive measures for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage the other resolution options, and the Title IX Coordinator does not initiate a Complaint.

Option Two: Informal Resolution

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a final determination, or the Title IX Coordinator may offer the option to the Parties, in writing. CVTC will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

Before initiation of an Informal Resolution process, CVTC will provide the Parties with a NOIA that explains:

- The allegations;
- The requirements of the Informal Resolution process;
- That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume the CVTC's Resolution Process;

- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution process will preclude the Parties from initiating or resuming the resolution process arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties; and
- What information CVTC will maintain, and whether and how it could disclose such information for use in its Resolution Process.

CVTC offers three categories of Informal Resolution:

Educational Conversation. When the Title IX Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations or can accompany the Complainant in their desire to confront the conduct.

The Complainant(s) may request that the Title IX Coordinator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter, if it takes place. In light of this conversation, or the Respondent's decision not to attend, the Title IX Coordinator may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of recurrence of any behaviors that may not align with Policy.

Settlement Agreement / Accepted Responsibility. When the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and CVTC are agreeable to the resolution terms.

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for **all** alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator will determine whether Informal Resolution is an option.

If Informal Resolution is available, the Title IX Coordinator will determine whether all Parties and CVTC are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of CVTC's

Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate administrator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Resolution Process will either continue or resume.⁴

Alternative Resolution. When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.), as described below.

The institution offers a variety of Alternative Resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative Resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Title IX Coordinator or other appropriate CVTC officials; and other forms of resolution that can be tailored to the needs of the Parties. Some Alternative Resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an Alternative Resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an Alternative Resolution process.

The Title IX Coordinator may consider the following factors to assess whether Alternative Resolution is appropriate, or which form of Alternative Resolution may be most successful for the Parties:

- The Parties' amenability to Alternative Resolution
- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Civility of the Parties
- Results of a violence risk assessment/ongoing risk analysis
- Respondent's disciplinary history

⁴ The Parties may not want discussions that take place within Informal Resolution to be admissible in a later Resolution Process, but essential facts must and do transfer from the informal process to subsequent resolution proceedings. Disclosing something in an informal setting to shield it from formal admissibility is a cynical strategy, so administrators should take care in determining the terms of any assurances of the confidentiality of the Informal Resolution.

- Whether an emergency removal or other interim action is needed
- Skill of the Alternative Resolution facilitator with this type of Complaint
- Complaint complexity
- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties
- Adequate resources to invest in Alternative Resolution (e.g., time, staff, etc.)

The Title IX Coordinator has the authority to determine whether Alternative Resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the Alternative Resolution process. The Title IX Coordinator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the Alternative Resolution.

The Title IX Coordinator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the Agreement and resumption of the Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the Agreement, etc.). The results of Complaints resolved by Alternative Resolution are not appealable.

If an Informal Resolution option is not available or selected, CVTC will initiate or continue an investigation and subsequent Resolution Process to determine whether the Policy has been violated.

The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision-maker, or Appeal Decision-maker.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Resolution Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Formal Resolution Process.

Option 3: Formal Resolution Process

A formal resolution process consists of a fact-finding investigation process, hearing, and formal decision. An investigation process is the evidence-gathering stage that begins when a formal Title IX complaint has been filed and this grievance process has been identified. An investigator(s) is / are assigned, and an investigative report is created with the evidence and facts available. A hearing consists of a review and questioning by a decision maker regarding the investigative report. A formal decision is issued at the conclusion of the investigation and hearing. In cases of responsibility, the College may issue disciplinary sanctions.

Notice of Investigation and Allegations (NOIA)

Prior to an investigation, the Title IX Coordinator will provide the Parties with a detailed written NOIA. 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 allegations.

The NOIA typically includes:

- A meaningful summary of all 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/offenses implicated
- A description of, link to, or copy of the applicable procedures
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence
- The name(s) of the Investigator(s), along with a process to identify to the Title IX Coordinator, in advance of the interview process, any conflict of interest that the Investigator(s) may have
- A statement that CVTC 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 during the review and comment period to inspect and review all relevant evidence
- A statement that retaliation is prohibited
- Information about the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share CVTC work product obtained through the Resolution Process
- A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Resolution Process
- A statement informing the Parties that the CVTC'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 Resolution Process
- An instruction to preserve any evidence that is directly related to the allegations

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(es) of the Parties as indicated in official CVTC records, or emailed to the Parties' CVTC issued email or designated accounts. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered.

Resolution Timeline

CVTC will make a good faith effort to complete the Resolution Process within sixty to ninety (60-90) business days, including any appeals, which the Title IX Coordinator can extend as necessary for appropriate cause. The Parties will receive regular updates on the progress of the Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

If a party or witness chooses not to participate in the Resolution Process or becomes unresponsive, CVTC reserves the right to continue the Process without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Resolution Process.

CVTCs 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.

Should an event (including unavailability) delay CVTC in its investigation, CVTC reserves the right to deviate from its estimated timeframes. During such a delay, CVTC will implement and maintain supportive measures for the Parties as deemed appropriate. Nevertheless, CVTC will make a good faith effort to complete the Resolution Process as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the process.

Investigation

Once an investigation is initiated, the Title IX Coordinator appoints an Investigator(s) to conduct it. These Investigators may be members of CVTC team, or any other properly trained Investigator, whether internal or external to the CVTC's community.

All investigations are adequate, thorough, reliable, impartial, prompt, and fair. They involve interviews with all relevant Parties and witnesses, obtaining relevant evidence, disregard of irrelevant evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within five (5) business days for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order:

- Determine the identity and contact information of the Complainant.
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated.
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial evaluation to determine if the allegations indicate a potential Policy violation.
- Work with the Title IX Coordinator, as necessary, to prepare the initial NOIA. The NOIA may be amended with any additional or dismissed allegations and the parties will receive written notification at the same time.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.
- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible.
- Interview the Complainant and the Respondent and conduct follow-up interviews with each, as necessary.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed party and witness an opportunity to review and verify or correct Investigator's summary notes (or transcript or recording) of the relevant evidence/testimony from their respective interviews and meetings.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document in the investigation report which questions were asked, with a rationale for any changes or omissions.
- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide the Parties with regular status updates throughout the investigation.

- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses who were identified in the investigation.
- Ask the Parties to provide a list of questions they would like asked of the other party or any witnesses. The Investigator will ask those questions deemed relevant, and for any question deemed not relevant, will provide a rationale for not asking the question.
- Prepare a draft investigation report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation, and party and witness interviews, and provides all relevant and permissible evidence.
- Provide the Parties and their respective Advisors an electronic copy of the draft investigation report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of ten (10) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
- The Investigator may share the investigation report with the Title IX Coordinator and/or legal counsel for their review and feedback.

Hearing Resolution Process

The Hearing Resolution Process is used for all Complaints of Sex-based Harassment and Sex Discrimination and Other Prohibited Behaviors (as defined in Policy) or when Informal Resolution is either not elected or is unsuccessful.

The Hearing Process consists of a hand-off of the investigation report and all relevant evidence to the Decision-maker to recommend a finding and determine sanctions (if applicable). The Decision-maker will not have had any previous involvement with the investigation. Those who have served as investigators will be witnesses in the hearing and therefore may not serve as Decision-maker.

At the discretion of Title IX Coordinator, the assigned Decision-maker will be an assigned judge from Wisconsin's Department of Hearings and Appeals (DHA) or other trained individuals either internal or external to the institution.⁵ Once the Decision-maker receives and reviews the file, they can recommend dismissal to the Title IX Coordinator, if they believe the grounds are met.

The Hearing Process typically takes approximately thirty (30) business days to complete, beginning with the Decision-maker's receipt of the Draft Investigation Report. The Parties will be updated regularly on the timing and any significant deviation from this typical timeline.

Pre-Hearing Preparation

Any witness scheduled to participate in the hearing must have been first interviewed by the investigator(s), unless all Parties and the Decision-maker assent to the witness's participation in

⁵ The choice of a single Decision-maker or panel should generally be consistent for the same types of Complaints, and not vary Complaint-by-Complaint.

the hearing. The same holds for any evidence that is first offered at the hearing. If the Parties and Decision-maker do not assent to the admission of evidence newly offered at the hearing, the Decision-maker may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The Parties will be given a list of the names of the decision-maker at least five (5) 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 two (2) business days 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 a list of the names of all Parties, witnesses, and Advisors at least five (5) 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 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 Decision-maker at the pre-hearing meeting or at the hearing and will be exchanged between each Party by the Decision-maker.

Pre-Hearing Conference

A pre-hearing meeting may be held by the Decision-maker to discuss the process, determine witnesses to be called, and other matters of procedure. Each Party and their Advisor can use this time to ask any questions. Any witness scheduled to participate must have been interviewed by the investigator(s). The same holds for any evidence. The Decision-maker, only with full agreement of the Parties, may determine in advance of the hearing that certain witnesses do not need to be present if their testimony can be summarized by the investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a Party and their Advisor, the Decision-maker will consider arguments that evidence identified in the final investigation report as relevant and permissible is, in fact, not relevant or permissible. Similarly, evidence identified as directly related but not relevant and/or permissible by the Investigator(s) may be argued to be relevant.

The Decision-maker may rule on these arguments pre-hearing and will exchange those rulings between the Parties prior to the hearing to assist in preparation for the hearing. The Decision-maker may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will be audio or video recorded or a written record will be maintained.

Live Hearing

A live hearing will be scheduled providing at least ten (10) calendar days to each Party and their Advisor following the receipt of the final investigation report by the Parties. The hearing will be held in order for the Decision-maker to evaluate allegations and assess witness credibility.

The hearing shall follow the following procedure:

1. Introductions and Procedures (Decision-maker)
2. Investigator(s) Presents a Summary of the Final Investigation Report (Investigator(s)) - Hearing Decision maker(s) questions Investigator – Parties and/or Advisors provide questions for Decision-maker consideration. The Decision-maker shall determine if such question is deemed reasonable and permissible. If a question is not deemed relevant and permissible, it shall not be posed of the witness; instead, the Decision-maker shall explain why the question is excluded as either not relevant and/or permissible. The decision-maker can similarly exclude relevant and permissible questions where the decisionmaker shall exclude questions that are deemed unclear or harassing of the witness (including a party); provided, however, the decision-maker must provide the party submitting such question a reasonable opportunity to clarify or revise such question to address the decisionmaker's concern.
3. Complainant's Statement (15 minutes) and Response to Questions-Hearing Decision maker(s) questions Complainant – Respondent or Respondent's Advisor submits questions for decision-maker consideration / inquiry as described above.
4. Respondent's Statement (15 minutes) and Response to Questions-Hearing Decision maker(s) questions Respondent – Complainant or Complainant's Advisor submits questions for decision-maker consideration / inquiry as described above.
5. Witness Statements and Response to Questions (repeat for each witness) -Hearing Decision maker(s) questions Witness - Complainant or Complainant's Advisor submits questions for decision-maker consideration / inquiry as described above. The questions shall be first posed by the party presenting such witness, then the opposing party, with a rebuttal opportunity for the party presenting such witness, and a sur-reply for the opposing party.
6. Closing Statements (15 minutes per side). The Complainant's side shall go first, followed by the Respondent's side. During closing statements, the decision-maker shall have an additional opportunity to ask questions of the party – the opposing party shall not have an opportunity to pose questions during Closing Statements.

An audio or audiovisual recording, or transcript of the hearing will be created and will be made available for the Parties to review. No unauthorized audio or video recording of any kind is permitted during any meetings.

At the hearing, the Decision-maker has the authority to hear and make determinations on all allegations of conduct that violates this policy. Participants at the hearing will include the hearing Chair, hearing panelists, the hearing facilitator if determined one is needed, the investigator(s) who conducted the investigation, the Parties, Advisors to the Parties, any called witnesses, the Title IX Coordinator, CVTC legal counsel, and anyone providing authorized accommodations or assistive services.

The Decision-maker's Determination

- The Title IX Coordinator or designee will provide the Decision-maker with the Final Investigation Report (FIR) and investigation file, including the evidence and information obtained through the Investigator-led Questioning meetings.
- The Decision-maker will review the FIR, all appendices, and the investigation file.
- If the record is incomplete, the Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the Parties or any witnesses, if needed.
- The Decision-maker will hold a scheduled date (virtual or in-person) for any party or witness to ask additional relevant questions that will aid the Decision-maker in making their findings.
- The Decision-maker will deliberate in closed session to determine whether the respondent is responsible or not responsible for the policy violation(s) in question. Then apply the preponderance of the evidence standard (i.e., more likely than not) to make a recommendation on each of the allegations and, if applicable, any potential sanctions.
- The Decision-maker will prepare a written deliberation statement and deliver to the Title IX Coordinator detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments and any recommendations for sanctions.
- The Title IX Coordinator and designated officials will work with the Decision-maker to prepare a Notice of Outcome that will be shared with parties simultaneously. Notification will be made in writing and may be delivered in one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official CVTC records.
- **Timeline.** The Decision-maker's recommendation of finding process typically takes approximately ten (10) business days, but this timeframe can vary based on a number of factors and variables, The Parties will be notified of any delays.
- If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a Resolution Process at any time, and/or referring that information to another process for resolution.

Sanctions

If the Decision-maker determines the Respondent is responsible for the alleged sex discrimination, sex -based harassment, or retaliation under Title IX, CVTC will determine sanctions (if any) to issue to the Respondent.

The sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

Student Sanctions

Sanctions to a student for a violation of the Title IX Policy may include but are not limited to the following:

- *Verbal Warning* – a verbal warning to the student.
- *Written Reprimand* – a warning in writing to the student that the conduct was unacceptable.
- *Educational Sanction* (e.g., integrity assignment, reflection, apology letter, etc.) - an assignment identified to build on integrity, ethical foundations, and / or life skills.
- *Disciplinary Probation* – a warning for a specified time that further violations could result in a student’s status at the College being at risk (e.g., suspension, dismissal or expulsion).
- *Required Counseling* - A mandate to meet with and engage in either CVTC-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Restrictions* - A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or from holding leadership in student organizations.
- *Program Suspension* – a temporary removal from the program of study with the option to return upon application and acceptance.
- *Program Dismissal* – permanent removal from academic program with no option to reapply. The student may continue in an alternative program with acceptance.
- *Suspension* – a temporary stop out for a specified time (typically ranging from one to four terms) from all studies at the College.
- *Expulsion*- a permanent removal / loss of right to be a student at the College. The student is banned from institutional property, and the student’s presence at any institution-sponsored activity or event is prohibited. This action may be enforced with a trespass action, as necessary,
- *Other Actions*: In addition to, or in place of, the above sanctions, CVTC may assign any other sanctions as deemed appropriate.

Employee Sanctions

Sanctions to an employee for a violation of the Title IX Policy can range from a verbal warning to termination of employment.

Notice of Outcome

Within ten (10) business days of the conclusion of the Resolution Process, regardless of the administrative resolution process followed, the Title IX Coordinator provides the Parties with a written outcome notification. The outcome notification will specify the finding for each alleged Policy violation, any applicable sanctions that CVTC is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Decision-maker, supporting the findings to the extent CVTC is permitted to share under federal and state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to take to request an appeal, the deadline to appeal, and when the determination is considered final if neither party appeals.

The Title IX Coordinator will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification 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 CVTC records, or emailed to the Parties' CVTC-issued or designated email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

Request for Appeal

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator within ten (10) business days of the delivery of the Notice of Outcome.

The Request for Appeal will be forwarded to the Associate Vice President of Student Services for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

Appeal Grounds

Appeals under this Procedure are limited to the following grounds:

- 1) A procedural irregularity that would change the outcome;
- 2) New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility or dismissal was made; or
- 3) 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 Respondent that would change the outcome.

If the Request for Appeal does not provide information that meets the grounds in the Procedures, the request will be denied by the Associate Vice President of Student Services, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

Appeal of the Determination

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Associate Vice President of Student Services will notify all Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker.

When an appeal of the outcome is filed, the Title IX Coordinator will coordinate the appeal with the Wisconsin Division of Hearings and Appeals (DHA) or the District Board of Directors (as applicable). No Appeal Decision-maker(s) will have been previously involved in the Resolution Process for the Complaint, including in any supportive measure or dismissal appeal that may have been heard earlier in the process.

All Parties and their Advisors will be provided a copy of the Request for Appeal with the approved grounds and then be given five (5) business days to submit a response to the appeal. The Appeal Panel Chair or Decision-maker will forward all responses, if any, to all Parties for review and comment.

Notwithstanding the foregoing, if the appealing party is an employee, the duties of the Associate Vice President of Student Services shall be performed by the Vice President of Talent and Culture.

Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The DHA Appointed judge will deliberate as soon as is practicable and discuss the merits of the appeal. In the case of an appeal by a CVTC employee, the DHA Appointed judge shall be the College's Board.

Except as may be limited by state law, appeal decisions are to be deferential to the original determination, 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. All decisions apply the preponderance of the evidence standard.

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

The DHA Appointed Judge may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed.

Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the Title IX Coordinator with corrective instructions for reconsideration.

A Notice of Appeal Outcome letter will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result, and the rationale supporting the essential findings to the extent CVTC is permitted to share under federal or state law.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination).

Sanction Status During the Appeal

Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal procedures (detailed above) for a “show cause” meeting on the justification for doing so must be permitted within three (3) business days of implementation.

Remedies/Other Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented or Informal Resolution terms, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the Parties and/or the CVTC community that are intended to stop the Policy violation, remedy the effects, and prevent recurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator certain long-term supportive 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 CVTC owes the Respondent to ensure no effective denial of educational access.

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

Failure to Comply with Sanctions, Responsive Actions, and/or Informal Resolution Terms

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Informal Resolution terms (if applicable).

Failure to abide by the sanction(s)/action(s) imposed by the date specified (if any), whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from CVTC.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Title IX Coordinator satisfaction.

Recordkeeping

CVTC will maintain records required by Title IX and its regulations for a period of seven (7) years following the later of: (a) the conclusion of the Resolution Process, issuance of Notice of Complaint that may reasonably constitute sex discrimination, dismissal of a Complaint, or conclusion of an Appeal.

CVTC will also maintain any and all records in accordance with state and federal laws.

Accommodations and Support During the Resolution Process

Disability Accommodations

CVTC is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the CVTC's Resolution Process.

Anyone needing such accommodations or support should contact the Title IX Coordinator, who will work with disability support colleagues as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation.

Other Support

CVTC will also address reasonable requests for support for the Parties and witnesses, including:

- Language services/Interpreters
- Access and training regarding use of technology throughout the Resolution Process
- Other support as deemed reasonable and necessary to facilitate participation in the Resolution Process

Revision of these Procedures

These procedures supersede any previous procedures addressing sex discrimination, sex-based harassment, and retaliation under Title IX or its regulations for incidents occurring on or after August 1, 2024. The Title IX Coordinator will regularly review and update these procedures. CVTC reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If governing laws or regulations change, or court decisions alter, the requirements in a way that impacts this document, this document will be construed to comply with the most recent governing laws or regulations or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

These procedures are effective August 1, 2024.