

TITLE IX POLICY

ASSAULT, DISCRIMINATION, HARASSMENT, AND VIOLENCE POLICY

Missouri Valley College is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex. The College considers sex discrimination in all its forms to be a serious offense. Sex discrimination is unacceptable and constitutes a violation of this policy. Sexual harassment, whether verbal, physical, visual, or digital, is a form of prohibited sex discrimination, and sexual violence is a particularly severe form of sexual harassment. These terms are defined below:

Scope: This policy applies to behavior in which the accused or reporter is a student, faculty, or staff member. The policy prohibits sex discrimination, sexual harassment, and sexual violence when the complainant and alleged perpetrator are members of the same or opposite sex, and it applies regardless of national origin, immigration status, or citizenship status. The College's prohibition on sex discrimination, sexual harassment, and sexual violence extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, athletics, housing, and student services.

The College has jurisdiction over conduct covered by this policy that occurred on campus, during or at an official College program or activity (regardless of location), or off campus when the conduct could create a hostile environment on campus. The College will investigate all complaints made under this policy and, if necessary, take action to prevent the recurrence of sex discrimination or harassment and remedy its effects. In the event that a complaint is made and the accused is not represented under the College's disciplinary realm (e.g., a vendor, visitor, or other third-party on campus), the reporting party will be directed to the Marshall Police Department or other relevant law enforcement authority. However, the College will still review the facts of the matter and actively help the reporter with his or her needs of counseling, protection and academic needs, including, if appropriate, disallowing the accused from returning to campus.

Title IX Statement: It is the policy of the College to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination on the basis of sex in the College's education programs and activities. Title IX and its implementing regulations also prohibit retaliation for asserting claims of sex discrimination. The College has designated the following Title IX Coordinator to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sex discrimination:

Dr. Heath Morgan Vice President of Student Affairs/Dean of Students
Title IX Coordinator
(660) 831-4087
morganh@moval.edu

The College has also designated the following Deputy Title IX Coordinators to assist the Title IX Coordinator in carrying out his/her duties under this policy:

Elizabeth Bellamy, J.D.

Associate Dean of Students/Title IX Deputy Coordinator

(660) 831-4199

bellamye@moval.edu

Conner Swift

Director of Residence Life and Housing Title IX Deputy Coordinator

(660) 831-4652

swiftc@moval.edu

A person may also file a complaint of sex discrimination with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or by calling 1-800-421-3481.

Prohibited Conduct / Definitions of Terms:

Sexual Misconduct is an umbrella term covering sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. This term will be used throughout the remainder of this policy and the accompanying procedures when collectively referring to these types of conduct.

Sex Discrimination occurs when persons are excluded from participation in, or denied the benefits of, any College program or activity because of their sex. Sex discrimination can include 37 adverse treatment based on one's sex, as well as the other prohibited conduct outlined below.

Sexual Harassment refers to unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome behavior of a sexual nature when:

- Submission to such behavior is made, explicitly implicitly, a term or condition of an individual's employment or status in a course, program, or activity,
- Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual, or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment.
- Harassment based on gender, but that does not involve unwanted sexual attention, is prohibited gender discrimination. This type of behavior can also be a form of prohibited sexual harassment.

Many kinds of behavior may fit within the preceding definition of sexual harassment. Speech and expressive conduct can also be sexual harassment. The following list of examples of sexual harassment is not exhaustive.

- Sexual violence, including sexual assault, rape, sexual battery, and sexual coercion (see the definition of sexual violence below for more information on these types of conduct)
- Threats or insinuations which lead the victim reasonably to believe that granting or denying sexual favors will affect her or his reputation, education, employment, advancement, or standing within the College
- Sexual advances, sexual propositions, or sexual demands which are not agreeable to the recipient
- Sexually explicit emails or text messages
- Sexual conduct such as stalking, cyberstalking, recording or transmitting sexual images, and voyeurism
- Unwelcome and persistent sexually explicit statements or stories which are not legitimately related to employment duties, course content, research, or other College programs or activities
- Repeatedly using sexually degrading words or sounds to describe a person
- Unwanted and unnecessary touching, patting, hugging, or other physical contact
- Recurring comments or questions about an individual's sexual prowess, sexual deficiencies, or sexual behavior
- Pressure for a dating, romantic, or intimate relationship

Sexual Violence is a particularly severe form of prohibited sexual harassment. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity, because he or she is below the minimum age of consent in the applicable jurisdiction, or because of his or her incapacitation due to the use of drugs and/or alcohol. Other types of conduct may also constitute sexual violence.

Some examples of sexual violence include:

- Rape or sexual assault: sexual intercourse (anal, oral, or vaginal) by a man or woman upon a man or woman without consent
- The use of force or coercion to effect sexual intercourse or some other form of sexual contact with a person who has not given consent
- Unwilling sexual penetration (anal, vaginal, or oral) or other sexual touching with any object or body part that is committed by force, threat, intimidation, or otherwise without consent
- Having sexual intercourse with a person who is unconscious because of drug or alcohol use
- Hazing that involves penetrating a person's vagina or anus with an object
- Sexual exploitation, which includes, but is not limited to, the following
 - Sexual voyeurism
 - Use of the "date rape drug" to affect sexual intercourse or some other form of sexual contact with a person

- Knowingly transmitting a sexually transmitted disease such as HIV to another person through sexual activity
- Secretly videotaping or photographing sexual activity where the other party has not consented
- Disseminating sexual pictures or videos of another person without consent regardless if the pictures or videos were obtained with consent
- Prostituting another person

Consent refers to the expectation that all individuals participating in sexual activity give and receive consent prior to and during any type of said activity. Consent is often a critical factor in determining whether sexual violence has occurred. Consent is defined as when one person, through mutually understandable words or actions, agrees and gives permission to engage in mutually agreed upon sexual activity; the acknowledgment and approval of actions, without coercion, force, intimidation, and opportunity to say no. Individuals must be awake, have the mental capacity to make such decisions, and not be impaired by alcohol, drugs, or other intoxicants.

Consent may be withdrawn at any time before or during said activity. Consent to some form of sexual activity does not necessarily imply consent to other forms of sexual activity. Current or previous sexual relations do not imply consent; consent is not open-ended and must be obtained each time sexual activity occurs. Being in a romantic relationship with someone does not imply consent.

Dating Violence, Domestic Violence, and Stalking: the crimes of dating violence, domestic violence, and stalking can also constitute sexual misconduct when motivated by a person's sex. These types of conduct, no matter the motivation behind them, are a violation of this policy and will be addressed pursuant to the procedures below.

- "Domestic Violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
 - Missouri's definition of domestic violence can be found at Mo. Rev. Stat. § 455.010.
 - Under Missouri law, domestic violence also includes the crime of "domestic assault" which can be found at Mo. Rev. Stat. §§ 565.072-565.074.
- "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

- Missouri law does not specifically define dating violence, but conduct of this nature is covered by Missouri's definitions of domestic violence and domestic assault.

Some forms of dating violence and domestic violence may include, but is not limited to, the following: physical violence (e.g., kicking, hitting, pinching, choking, biting), sexual violence (e.g., forcing a partner to take part in a sex act when the partner does not consent), emotional violence - including verbal/written violence (e.g., isolation, intimidation, belittling, "outing" someone against his/her will, cyber bullying/ harassment, threat of physical force), and economic abuse (i.e., withholding financial resources to intimidate, threaten, or cause a person to remain in a relationship because of access to finances).

- "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.
 - Missouri's definition of stalking can be found at Mo. Rev. Stat. § 455.010 and § 565.225.

Some behaviors and activities that may constitute stalking include, but are not limited to, the following: non- consensual communication, including face-to-face, phone calls, voice messages, text messages, electronic mail, any form of online sources (i.e., "cyberstalking"), written letters, unwanted gifts; threatening or obscene gestures; lurking, pursuing or following; surveillance or other types of observation; trespassing; vandalism; non-consensual touching.

Title IX Coordinator Responsibilities

It is the responsibility of the Title IX Coordinator to: (1) ensure the College's compliance with Title IX; (2) identify and address any patterns or systemic problems of sexual misconduct at the College; (3) coordinate dissemination of information and education and training programs; (4) receive complaints under this policy; (5) assist members of the College community in understanding that sexual misconduct is prohibited by this policy; (6) answer questions about this policy; (7) ensure that employees and students are aware of the procedures for reporting and addressing complaints of sexual misconduct; and (8) to implement the procedures when a complaint has been filed or to designate appropriate persons for implementing the procedures. The Deputy Title IX Coordinators will assist the Title IX Coordinator in carrying out these responsibilities.

Reporting Sexual Misconduct

Reporting an incident is a difficult decision. It is important to understand that filing a report can be a beginning to the healing process. Reporting or pressing charges can prevent an offender from harming another person.

MVC encourages timely reporting of sexual misconduct because the College can most effectively investigate and respond to an incident if the complaint is made as promptly as possible after the

incident occurs. Delayed reporting may limit the College's ability to investigate and respond to the conduct complained of.

The College can only take corrective action when it becomes aware of problem, therefore, the College encourages persons who believe that they have experienced assault, discrimination, harassment, and/or violence to come forward with their complaints and seek assistance within the College. Faculty, staff, and students who believe that they have witnessed assault, discrimination, harassment, and/or violence are encouraged to report the alleged violation promptly. In addition, supervisors, managers, and other designated employees are expected to promptly report all allegations of sexual harassment to the Title IX Coordinator.

Reports of assault, discrimination, harassment, violence and other crimes should be directed to the Office of Student Affairs or Department of Public Safety. To report, contact one of the following individuals:

Dr. Heath Morgan
Vice President of Student Affairs/Dean of Students Title IX Coordinator
660-831-4087
morganh@moval.edu

Elizabeth Bellamy, J.D.
Associate Dean of Students/Title IX Deputy Coordinator
660-831-4199
bellamye@moval.edu

Conner Swift
Director of Residence Life & Housing Title IX Deputy Coordinator
660-831-4652
swiftc@moval.edu

Nick Boehmer
Director of Public Safety
660-831-4228
boehmern@moval.edu

Karen Reeter
Instructor, Criminal Justice
660-831-4120
reeterk@moval.edu

Students may also report incidents to Student Health Services staff, Residence Life staff or Public Safety Officers.

Content of the Complaint

So that the College has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that the College may follow up appropriately.

Information Provided to Complainant and Accused

A complainant who makes a claim of sexual misconduct to the College will be given a copy of the document titled "Rights and Options After Filing a Complaint Under the College's Sexual Misconduct Policy." This document provides information about this policy and the procedures used to investigate and resolve complaints of sexual misconduct, options for filing complaints with the local police, resources that are available on campus and in the community, etc. A person against whom a complaint has been filed will also be given similar information about the process and resources.

Conduct that Constitutes a Crime

Any person who wishes to make a complaint of sexual misconduct that also constitutes a crime - including sexual violence, domestic violence, dating violence, or stalking - is encouraged to make a complaint to local law enforcement. If requested, the College will assist the complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911. A victim may decline to notify such authorities.

Special Guidance Concerning Complaints of Sexual Violence, Domestic Violence, Dating Violence, and Stalking

If you are the victim of sexual violence, domestic violence, dating violence, or stalking, do not blame yourself. These crimes are never the victim's fault. When a physical crime of violence has been perpetrated against you, the College recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement, in addition to making a prompt complaint under this policy.

If you are the victim of sexual violence, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. As necessary to preserve evidence, victims of sexual violence, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination. Rape examinations are available at Fitzgibbon Hospital located at 2305 S Highway 65, Marshall, MO 65340, and having such an examination does not require an individual to press charges.

It is also important to take steps to preserve evidence in cases of stalking, to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages,

etc., rather than evidence of physical contact and violence. Once a complaint of sexual violence, domestic violence, dating violence, or stalking is made to the College, the complainant has several options such as, but not limited to:

- Contacting parents or a relative
- Seeking legal advice
- Seeking personal counseling (always recommended)
- Pursuing legal action against the perpetrator
- Pursuing disciplinary action through the College
- Requesting that no further action be taken
- Requesting further information about the College's policy and procedures for addressing sexual misconduct
- Requesting further information about available resources

Retaliation

It is a violation of this policy to retaliate against any member of the College community who reports or assists in making a complaint of sexual misconduct or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint to the Title IX Coordinator or a Deputy Title IX Coordinator.

Interim Measures

Pending final outcome of an investigation, the College will provide interim measures to either or both parties involved in an alleged incident of sexual misconduct. This may include changing academic, living, transportation, or work situations, to the extent that the College has control over these environments, if options to do so are reasonably available. Such changes may be available regardless of whether a report has been made to the Department of Public Safety or local law enforcement.

Requests to change an academic, living, transportation, or work situation, or for any other protective measure, should be made to the Title IX Coordinator. When determining the reasonableness of such a request, the Title IX Coordinator may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same residence hall, dining hall, class, transportation or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The College will maintain as confidential any accommodations or protective measures provided to the extent that maintaining confidentiality would not impair the College's ability to provide them. In the

event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the College will inform the individual of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why. The Title IX Coordinator will communicate with each party throughout the investigation to ensure interim measures remain necessary and effective. Failure to comply with the terms of any interim measures or protections that have been implemented may constitute a separate violation of this policy.

Additionally, if a complainant has obtained an ex parte order of protection, full order of protection, or any other temporary restraining order or no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX Coordinator or a Deputy Title IX Coordinator. The College, in conjunction with the Department of Public Safety, will take all reasonable and legal action to implement the order.

Amnesty

The College's Medical Amnesty Policy applies to situations involving sexual misconduct. Conduct charges (e.g., underage drinking) will not be pursued against a student calling for assistance for themselves or actively assisting an individual requiring assistance related to incident of sexual misconduct. However, the College's commitment to amnesty in these situations does not prevent law enforcement agencies from pursuing violations of the law.

Investigation and Confidentiality

All complaints of sexual misconduct will be promptly and thoroughly investigated in accordance with the procedures outlined below, and the College will take disciplinary action where appropriate. The College will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the College cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the College's ability to respond may be limited. The College reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College community.

The Title IX Coordinator is the person responsible for evaluating requests for confidentiality. The Title IX Coordinator may consult with other appropriate College officials and legal counsel as necessary when considering a confidentiality request.

Academic Freedom

While the College is committed to the principles of free inquiry and free expression, sexual misconduct is neither legally protected expression nor the proper exercise of academic freedom.

Educational Programming

Because the College recognizes that the prevention of sexual misconduct is important, it offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of student organizations. Among other elements, such training will cover relevant definitions, procedures, and sanctions; the role and identity of the Title IX Coordinator and Deputy Title IX Coordinators; safe and positive options for bystander intervention; and risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. To learn more about education resources, please contact the Title IX Coordinator.

Procedures for Investigating and Resolving Complaints of Sexual Misconduct

General Principles

The following general principles apply to these procedures:

- The procedures are used for the resolution of complaints of sexual misconduct involving any student, staff, or faculty member.
- The Title IX Coordinator is responsible for administering the procedures. As necessary, the Title IX Coordinator will work with the Deputy Title IX Coordinators, other College officials, legal counsel, collectively acting as the College's Title IX Team, to investigate and resolve a complaint.
- These procedures provide for prompt, fair, and impartial investigations and resolutions. All College officials involved in the investigation or appeal process shall discharge their obligations fairly and impartially. If an involved College official determines that he or she cannot apply these procedures fairly and impartially because of the identity of a complainant, accused, or witness, or due to any other conflict of interest, another appropriate individual will be designated to fill the role of the conflicted individual.
- These procedures will be implemented by College officials who receive annual training on the issues related to sexual misconduct and how to conduct an investigation that protects the safety of victims and promotes accountability.
- Throughout all stages of the investigation, involved College officials are responsible for maintaining documentation of all proceedings conducted under these procedures.

Preliminary Matters Related to the Investigation

The following concepts also apply to these procedures:

- The College will attempt to conclude its investigation and resolution of the complaint in a prompt manner, though timing is often based on many things, such as the facts of a case, the availability of the parties and witnesses, scheduling conflicts, etc. The Student Affairs Office may require production of information by the parties by a certain date in order to facilitate a timely resolution. Both parties will be given periodic updates regarding the status of the investigation.

- Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure. The following standards apply to any informal resolution method that is utilized:
 - The informal process can only be used with both parties' voluntary cooperation after receiving a full disclosure of the allegations and their options for formal resolution, and appropriate involvement by the College (e.g., the Title IX Coordinator).
 - The complainant will not be required to "work out" the problem directly with the accused.
 - Either party may terminate the informal process at any time and elevate the complaint to or continue with the formal investigation procedures described below.
 - With the agreement of the parties involved and by the institution, a complaint may be informally resolved at any stage of these procedures.
 - If informal resolution is reached, it will be documented in writing and signed by both parties. An informal resolution cannot be appealed.
- At any time during the investigation, the College may determine that interim remedies or protections for the 41 parties involved or witnesses are appropriate. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative class placement or workplace arrangements. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of this policy.
- The parties will be entitled to have a support person, of their choice, present at all meetings and proceedings related to the complaint. The following apply to support persons:
 - The support person may be any individual including but not limited to legal counsel, mental health counselor, faculty or staff member, relative, etc. However, in cases involving multiple complainants or accused individuals, the support person cannot be another complainant or accused.
 - It is the responsibility of the parties to notify the Title IX Coordinator or a member of the Title IX Team that they will have a support person present at any meeting. Notification must be received 48 hours before any scheduled meeting or the meeting may need to be rescheduled at the discretion of the Title IX Coordinator or a member of the Title IX Team.
 - The support person does not serve as an advocate on behalf of the complainant or accused, may not be actively involved in any proceedings, and must agree to maintain the confidentiality of the process. A support person may be removed if he or she becomes disruptive or does not abide by the limitations discussed in the previous sentence.
 - The College is not required to allow a particular support person to be involved in the process if it would cause undue delay in the process. Additionally, a support person may only be in attendance the party the individual is acting as a support person for is present.

- A support person will be asked to sign an affirmation that he/she understands his/her role in the process.
- In all cases of sexual misconduct, the preponderance of the evidence standard will be used to determine whether there has been a violation of this policy (i.e. whether it is more likely than not that the alleged sexual misconduct occurred).
- Some types of sexual misconduct may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, the College will assist the complainant in doing so. An ongoing criminal investigation, however, does not relieve the College of its responsibilities under the law. Therefore, to the extent doing so does not interfere with any criminal investigation, the College will proceed with its own investigation and resolution of the complaint.
- During the investigation and resolution of a complaint, the complainant and the accused shall have equal rights. They include:
 - Equal opportunity to identify and have considered witnesses and other relevant evidence.
 - Written notice in advance of any interview with sufficient time to prepare for meaningful participation.
 - Similar access to all information considered by the Investigating Officer.
 - Equal opportunity to review any statements or evidence provided by the other party.
 - Equal access to review and comment upon any information independently developed by the Investigating Officer should the Investigating Officer share such information with the other party.
 - Equal opportunity to appeal.

Formal Investigation and Resolution

1. Once a complaint is made, the Title IX Coordinator will review the report to determine if it falls within the scope of this policy. If it does not fall under this policy, the complainant will be so informed. In such situations, other College procedures may be applicable to the conduct complained of.
2. If it is determined that the complaint is covered by this policy, and prior to the commencement of the investigation, a prompt written notice will be provided to the respondent of the allegations constituting a potential violation of the policy, including identities of the parties involved, the specific section of the policy allegedly violated, the precise conduct constituting the potential violation, and the date(s) and location(s) of the alleged incident.
3. After the initial notification has been made to the respondent, the Title IX Coordinator will commence an investigation as soon as practicable, but not later than seven (7) days after the complaint is made. During this initial stage, the Title IX Coordinator will consult with the Title IX Team to strategize an investigation plan, including who will be the investigator(s), and to assist in providing any necessary services or interim measures. The Title IX Coordinator may also involve the Crisis Response Team if the circumstances warrant. In the event a staff member is

the complainant or accused, the Vice President for Operations and/or Vice President for Academic Affairs will be notified.

4. The investigator, in consultation with other College officials (including the Title IX Coordinator or members of the Title IX Team as applicable), will conduct a full investigation. During the investigation, the complainant will have the opportunity to describe his/her allegations (via a written and/or verbal statement) and present witnesses or other supporting evidence. The accused will have the opportunity to respond to the allegations by giving a written and/or verbal statement and present witnesses and other supporting evidence regarding the matter.
5. The investigator will review the written statements (and notes from any verbal statements) and other evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaints. All parties and witnesses are expected to cooperate and provide complete and truthful information.
6. At the conclusion of the investigation, the investigator will prepare a preliminary investigation report. The preliminary report will explain the scope of the investigation (including witnesses interviewed and evidence considered) and identify findings of fact. Both parties will be provided with a copy of the preliminary report and will have three (3) business days to provide written comments to the report, if desired. After considering the parties' comments, if any, the investigator will issue a final report, including a statement as to whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence.
7. When there has been a finding that a policy violation has occurred, the College may use the sanctions and/or protective measures listed below in order to maintain an environment free from discrimination and harassment and to protect the safety and well-being of the complainant and other members of the College community.
 - Students: Warning, Probation, Suspension, Expulsion, Interim Removal/Campus Safety Suspension, Assessment of Fine, Educational Project or Program, Removal of Privileges (Note: All sanctions and protective measures are defined in the Student Code of Conduct)
 - Faculty/Staff: Verbal Warning, Written Warning, Suspension with pay, Suspension without pay, Termination.
8. Notice of the outcome of the investigation, including the final report, any sanctions and/or protective measures imposed, and information about appeal rights, will be concurrently, distributed to the parties within three (3) days of its completion. In certain circumstances, the Family Educational Rights and Privacy Act (FERPA) may prohibit particular information about sanctions and/or protective measures from being shared with the other party. In such circumstances, adjustments may be made resulting in the notifications to the parties being slightly different.
9. Upon notification of the parties of the outcome of the investigation, the complaint shall be final subject only to the right of appeal set forth below.
10. In the event sanctions are handed down and a party disagrees or wishes to appeal, he or she may go through the appropriate appeal process. For students, he or she may petition to the Community Standards Board as described under the Student Code of Conduct. For faculty or staff, he or she may petition the appropriate grievance committee.