

Rowan College at Burlington County
Title IX Procedures for Non-Discrimination on the
Basis of Sex in Education Programs or Activities

A. Procedures for Title IX

Section 1: Introduction

1.1 Procedure Statement: Rowan College at Burlington County (RCBC) is committed to creating and maintaining a learning and working environment that is free from unlawful discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities; Title VII of the Civil Rights act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act, Clery Act, and the Violence Against Women Act (VAWA).

Sex Discrimination, Sex Based Harassment and Retaliation under this Procedure will not be tolerated by RCBC and is grounds for disciplinary action, up to and including, permanent dismissal from RCBC and/or termination of employment.

1.2 Purpose: RCBC takes all reported sexual misconduct and harassment seriously. RCBC will promptly discipline any individuals within its control who are found responsible for violating this Procedure. Additionally, reported sexual misconduct and harassment that does not meet the definitions and jurisdiction of this Title IX Procedure will be referred for review to the Vice President of Enrollment Management and Student Success or their designee if allegedly committed by a student, or the Chief Administrative Officer supervising Human Resources if allegedly committed by an employee under the respective Code of Conduct in compliance with VAWA and Clery Act as listed in the Student Handbook and the RCBC Employee Handbook.

1.3 Application: This Procedure applies to students, employees, and persons attempting to participate or participating in an RCBC education program or activity at the time of the alleged sex discrimination. Within these procedures, the term “Respondent” is defined as a person who is reported as allegedly participating in behavior that violates Title IX regulations. Additional information and definitions are included in Section 2 of this procedure. The application of this procedure is as follows:

- a. **To Students:** Where the Respondent has gained admission to RCBC at the time of the alleged conduct, the alleged conduct includes any Sex Based Discrimination detailed in RCBC Title IX procedures, the alleged conduct occurs in RCBC’s Education Program and Activity or within an area where the college has disciplinary authority, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in RCBC’s Education Program or Activity.

- b. **To Employees:** Where the Respondent is an employee at RCBC at the time of the alleged conduct, where the alleged conduct includes Sex Discrimination and / or Sex Based Harassment under this Procedure, the alleged conduct occurs in RCBC's Education Program and Activity or within an area where the college has disciplinary authority, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in RCBC's Education Program or Activity.
- c. Per federal Title IX regulations, RCBC has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient's education program or activity or outside the United States.

1.4 Title IX Coordinator and Key Title IX Officials: The Title IX Coordinator is the RCBC administrator who oversees RCBC's compliance with Title IX. The Title IX Coordinator is responsible for administrative response to reports and all complaints of Sex Discrimination. The Title IX Coordinator is available to discuss the grievance process, coordinate supportive measures, explain RCBC policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Officers to facilitate these responsibilities.

Any member of the RCBC community may contact the Title IX Coordinator with questions. Title IX Coordinator contact information is as follows:

Catherine R. Briggs, Ed.D.
Title IX Coordinator
Dean of Student Success
(856) 242-5391 | cbriggs@rcbc.edu

In addition to the Title IX Coordinator, RCBC appoints investigators, supportive measures review administrator(s), decision makers, and appeal officers who all have roles within the complaint process. RCBC may also appoint informal resolution facilitators for resolution in the grievance process. RCBC may also provide advisors to support the complainant and respondent. These roles are more fully explained in Sections 6, 7, and 8 of this procedure.

All staff involved in Title IX complaint resolution, including the Title IX Coordinator, investigators, Decisionmakers, and appeal officers, Supportive Measure Review Administrator(s) will receive annual training in compliance with Title IX. When available, the informal resolution facilitator will also participate in annual training.

All administrators in these roles will complete training in related Title IX responsibilities and provide impartial investigations and adjudications of complaints of Sex Discrimination and Sex Based Harassment. All materials used to train these administrators will be publicly available by request in accordance with Title IX requirements and may be posted on the college's website.

The Title IX Officer, Deputy Title IX Officers, investigators, Decisionmakers, and informal resolution facilitators shall not have a conflict of interest or bias for, or against, Complainants or Respondents generally or an individual Complainant or Respondent.

All RCBC staff are required to complete training on current Title IX regulations and responsibilities for reporting complaints and providing Title IX contact information. All employees are expected to support an environment free from sex based discrimination.

1.5 Notification and/or Reporting of Title IX related incidents: Any individual who has personally been subject to conduct that reasonably may constitute sex discrimination under Title IX may contact the Title IX Coordinator to report the incident; may submit an online complaint; or may request confidential services. Individuals may also contact Public Safety, or for employees, the Office of Human Resources, to report complaints. Any complaint made to a non-confidential employee (as defined in section a below) requires a report to the Title IX coordinator by the employee receiving the notification. RCBC will use College electronic mail (email) as the primary source for communication and notification under this Procedure.

- a. Any employee who is not a confidential employee and who either has authority to institute corrective measures on behalf of the recipient must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX;
- b. Any employee who has responsibility for administrative leadership, teaching, or advising in the recipient's education program or activity must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX;
- c. Any employee not covered under one section A or B must either
 - i. notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX; or
 - ii. Provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex discrimination to any person who provides the employee with information about conduct that reasonably may constitute sex discrimination under Title IX.

- 1.6 Free Speech:** Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered Sex Discrimination and / or Sex Based Harassment under this Procedure.
- 1.7 Dissemination of Procedure:** This Procedure will be made available to all RCBC administrators, faculty, staff, and students online at <https://www.rcbc.edu/titleix> and is accessible via the online RCBC student handbook and online employee handbook(s).
- 1.8 Effective Date:** The effective date of this Procedure is August 1, 2024
- 1.9 Retaliation and False Statements Prohibited:** Neither RCBC nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Procedure or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Procedure.
- a. Peer based or employee-based retaliation is prohibited.
 - b. Alleged violations of Retaliation will be referred to the Title IX Coordinator to be investigated and resolved through the Title IX regulations requirements for notification, hearings, resolution and sanctions.
 - c. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Procedure.
 - b. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith during a grievance proceeding under this Procedure does not constitute Retaliation prohibited under College Policies and Procedures. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.
- 1.10 Amnesty:** Reporting Sex Discrimination and / or Sex Based Harassment is encouraged at RCBC. Thus, it is imperative that Complainants and witnesses share information without fear of potential consequences for minor policy violations including, but not limited to, underage consumption of alcohol or the use of illicit drugs. RCBC offers parties and witnesses amnesty from such minor violations but may include educational opportunities for individuals in lieu of a finding of responsibility or punitive sanctions.
- 1.11 Other College Policies:** This Procedure takes precedence over other RCBC policies and procedures concerning Sex Discrimination and / or Sex Based Harassment under Title IX in the event of a conflict.
- 1.12 Fraternalization (Board Policy 103):** As an educational institution, RCBC is committed to maintaining an environment in which its faculty members, students, administrators, and staff members are safe, can be trusted and count on others to be trustworthy, and receive and extend to others respect as human persons. Indeed, mutual respect among

faculty members, students, and administrators is an essential ingredient in the educational process, and the greatest care must be taken that it not in any way be eroded.

Virtually all faculty members, administrators, and staff members are, or can appear to be, in a position to exercise power or authority, directly or indirectly, over students, whether or not an individual student is enrolled in their classes, are subject to their direct supervision, or have some form of business to transact with offices at the College. Many students are at a stage in their development when they may be particularly vulnerable to the influence of faculty members, administrators, and staff members who are in positions where they can affect the terms and conditions of a student's standing at RCBC

If a student consents to a romantic relationship with a faculty member, administrator, or staff member, the existence of such a relationship could have unintended adverse effects on the educational environment of RCBC. In some cases, such a relationship can end unhappily or become problematic, resulting in charges of Sex Discrimination and/or Sex Based Harassment, and even physical or psychological abuse.

There are some circumstances in which faculty members, administrators, staff members work with students that can have the potential for the exploitation of students. For example, a work-study student might be asked to perform services that go beyond the terms and conditions of the work study assignment, e.g. child care or personal business transactions. In such cases, it must be clear that the student may decline such personal invitations without any adverse consequences. It may be that a work-study student will respond to an invitation to provide personal assistance, but this relationship must be one in which the student volunteers, is offered and accepts a fair wage for services, and one which bears no relationship to the continuation of or the evaluation of the work study assignment.

Because of the commitment to maintaining an environment that supports our educational goals, RCBC prohibits romantic, sexual, and exploitative relationships between RCBC employees and students per [Board Policy 103](#). In the event that any such relationship is reported and confirmed, the RCBC employee is subject to employee disciplinary procedures up to and including termination in the case of administrators and staff members, or dismissal for cause in the case of faculty members.

There are exceptional circumstances in which the spouse or partner of a RCBC employee is a student at RCBC. This fraternization policy does not apply in such circumstances. The Chief Administrative Officer, in consultation with the senior administration, is the administrative officer who determines whether an exceptional circumstance applies.

- 1.13** Alleged violations of the Student Code of Conduct or Code of Ethics for College Employees or another college policy that rise from the same events as alleged Sexual Misconduct under this Procedure will be investigated and resolved under the grievance process in this Procedure unless the Sex Discrimination and / or Sex Based Harassment has been dismissed under the steps outlined in this procedure.

Section 2: Definitions

2.1 Definitions of Prohibited Conduct Under this Procedure¹

2.1.1 Sex Based Harassment: Sex-based harassment is a form of sex discrimination and includes sexual harassment and other harassment on the basis of sex, including on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex Based Harassment can include:

(1) **Quid pro quo harassment.** An employee, agent, or other person authorized by RCBC to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) **Hostile environment harassment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- (i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- (ii) The type, frequency, and duration of the conduct;
- (iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- (iv) The location of the conduct and the context in which the conduct occurred; and
- (v) Other sex-based harassment in the recipient's education program or activity

(3) **Specific offenses:** Sexual Assault, Dating Violence, Domestic Violence or Stalking as defined by the Federal Regulations and NJ code as described in this procedure

¹ See Section 12 for New Jersey State Laws related to New Jersey State law definitions.

2.1.2 Sexual Assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including Rape, Fondling, Incest, and Statutory Rape as defined in this Procedure.

2.1.3 Dating violence meaning violence committed by a person:

- (A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (1) The length of the relationship;
 - (2) The type of relationship; and
 - (3) The frequency of interaction between the persons involved in the relationship;

2.1.4 Domestic violence meaning felony or misdemeanor crimes committed by a person who:

- A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
- (B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- (C) Shares a child in common with the victim; or
- (D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or

2.1.5 Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (A) Fear for the person's safety or the safety of others; or
- (B) Suffer substantial emotional distress.

2.2 Definitions Related to Sex Discrimination and / or Sex Based Harassment: Consent, Course of Conduct, Incapacitation, Reasonable Person, Substantial Emotional Distress

2.2.1 Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity.

It is the responsibility of each person to ensure they have the affirmative Consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not, alone, constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity.

The existence of a dating relationship or past sexual relations between the Complainant and Respondent will never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of Consent to prior conduct).

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the Decisionmaker will consider all of the facts and circumstances the Respondent knew, or reasonably should have known, at the time. In particular, the Respondent's belief is not a valid defense where:

- (1) The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- (2) The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively Consented; or
- (3) The Respondent knew or a reasonable person should have known that the Complainant was unable to Consent because the Complainant was incapacitated, in that the Complainant was:
 - asleep or unconscious
 - unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication
 - unable to communicate due to a mental or physical condition.

2.2.2 Course of Conduct means two or more acts, including, but not limited to, acts in which the individual directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

2.2.3 Incapacitation means that a person lacks the ability to actively agree to sexual activity because the person is asleep, unconscious, under the influence of alcohol or other drugs such that the person does not have control over their body, is unaware that sexual activity is occurring, or their mental, physical or developmental abilities render them incapable of making rational informed decisions. Incapacitated is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking, using drugs, or taking medication.

A person violates the College's procedures based on Title IX regulations when they engage in sexual activity with another person who is Incapacitated and a Reasonable Person in the same situation would have known that the person is Incapacitated. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of

awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances.

2.2.4 Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim.

2.2.5 Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

2.3 Other Defined Terms

2.3.1 Actual Knowledge means Notice of Sex Discrimination and / or Sex Based Harassment allegations to the Title IX Coordinator or any Official with Authority, except that actual knowledge is not met when the only individual with actual knowledge is the Respondent.

2.3.2 Business Day means any weekday not designated by RCBC as a holiday or administrative closure day. When calculating a time period of Business Days specified in this Procedure, the Business Day of the event that triggers a time period is excluded.

2.3.3 Complainants include:

- (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part; or
- (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.
- (3) Complainants and Respondents are referred to collectively as "parties" throughout this Procedure.

2.3.4 Confidential Employee(s) include:

(1) An employee of a recipient whose communications are privileged or confidential under Federal or State law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;

(2) Confidential employees also include employee(s) of RCBC whom RCBC has designated as confidential for the purpose of providing services to persons related to sex discrimination. Staff within the RCBC Office of Student Services is

designated as confidential staff members for student concerns. The RCBC Employee Assistance Program (EAP), Carebridge Resources, is designated as the confidential resource for employees.

If an identified staff member in the Office of Student Support also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services; or

(3) If RCBC has approved a research study through the Institutional Review Board process and the study is intended to gather information about sex discrimination, an employee's confidential status is only with respect to information received while conducting the study.

Confidential employees are required to provide the complainant with contact information for the Title IX Coordinator when an incident involving sex discrimination and / or sex-based harassment is reported. Confidential employees are also required to share the existence of the report with the Title IX Coordinator but the details of the incident do not need to be shared. The Title IX Coordinator must track the reported number of incidents from confidential staff.

2.3.5 Disciplinary Sanctions means consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination. Sanctions are imposed only after a finding of responsibility through the grievance process or an agreement through the informal resolution process.

2.3.6 Education Program or Activity includes locations, events, or circumstances over which RCBC exercises substantial control over both the Respondent and the context in which the Sex Discrimination and / or Sex Based Harassment occurs. This includes conduct that occurs on RCBC property, during any RCBC activity, conduct in any building owned or controlled by a student organization that is officially recognized by RCBC and any area where the college has disciplinary authority.

2.3.7 Complaint means a statement, oral or written, submitted by a Complainant or initiated by the Title IX Coordinator alleging Sex Discrimination and / or Sex Based Harassment. against a Respondent with a request for the college to investigate the allegations.

2.3.8 Informal Resolution. The process of informal resolution is available when and if the college has staff available who are trained and experienced in the Informal Resolution Process. When staff are available, in lieu of resolving a complaint through RCBC's Title IX grievance procedures, the parties may instead elect to

participate in an informal resolution process. RCBC will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any. RCBC will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law.

Before the initiation of an informal resolution process, RCBC will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information RCBC will maintain and whether and how RCBC could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

For more information on informal resolution, review section 7.

2.3.9 Remedies are designed to restore or preserve equal access to RCBC’s Education Program or Activity. Remedies may include, but are not limited to the same individualized services as Supportive Measures; however, Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

2.3.10 Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute Sex Discrimination and/or Sex Based Harassment. Complainants and Respondents are referred to collectively as “parties” throughout this Procedure.

2.3.11 Retaliation means intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sex Based Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of Sex Discrimination and / or Sex Based Harassment for the purpose of interfering with any right or privilege secured by Title IX regulations or this Procedure.

2.3.12 Supportive Measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge

to the Complainant or the Respondent before or after the reporting an incident, orally or in writing, or where no complaint has been filed.

Such measures are designed to restore or preserve equal access to RCBC's Education Programs or Activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or RCBC's educational environment, or deter Sex Discrimination and/or Sex Based Harassment.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

- 2.3.13 Additional College policies.** In compliance with other regulations, the college enforces Policies 918 and 918-A and does not tolerate sexual assault or non-consensual sexual contact in any form. These policies also reinforce the college's commitment to creating and maintaining an environment that is free from domestic violence, dating violence, sexual assault and/or stalking.

Section 3: Processes for Reporting Sex Discrimination

3. Reporting Sex Discrimination and / or Sex Based Harassment and Preservation of Evidence

3.1 Reporting to RCBC

3.1.1 Reporting to Title IX Coordinator: Reports of Sex Discrimination and / or Sex Based Harassment may be made to the Title IX Coordinator in any of the following ways, by anyone, at any time: email, phone, online form ([Alert](#)) or mail. Reports may be made to the Title IX Coordinator in person in the Public Safety Office during normal business hours. After Title IX Sex Discrimination and / or Sex Based Harassment incident has been reported to the Title IX Coordinator, the Title IX Coordinator will promptly offer supportive measures to the Complainant, regardless of whether the Complainant was the reporter of the incident(s).

3.1.2 Reporting to Officials with Authority: The position of the Official with Authority at RCBC is the Title IX Coordinator.

3.1.3 Reporting to Confidential Employees: As defined in Section 2.3, on campus confidential reporting for students is only available through the Office of Student Support. Any member of the Office of Student Support may take a confidential

report from a student. Confidential reporting for employees is available by accessing the Employee Assistance Program (EAP), Carebridge Resources.

Reports made to Confidential Employees or through Carebridge Resources are considered confidential reports; however, per Title IX regulations, notification to the Title IX Coordinator of the incident occurrence is required.

In this notification, confidential staff do not need to reveal specifics of the incident beyond the classification without the Complainant's permission. Reports to confidential staff will not constitute actual notice to RCBC beyond recordkeeping requirements.

Contact information for the student confidential reporting:

Office of Student Support

(856) 222-9311, ext 1582

Online Appointment Link: <http://www.rcbc.edu/counseling/request-form>)

- 3.1.4 Notification of incident(s) to all other RCBC Employees:** As defined in Section 1.5, all employees have a responsibility to provide either notification to the Title IX Coordinator or share the Title IX coordinator's information. Employees with administrative leadership, teaching, or advising in the recipient's education program or activity must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX;
 - 3.1.5 Anonymous Reporting:** Anonymous reports may be made by telephone, in writing or electronically with the Title IX Coordinator. A decision to remain anonymous, however, may greatly limit RCBC's ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating this Procedure.
- 3.2 Reporting to Law Enforcement:** Reports may be filed with local law enforcement agencies. The Title IX Coordinator can assist with contacting law enforcement agencies. Law enforcement investigations are separate and distinct from RCBC investigations.

RCBC Public Safety Department, (856) 222-9211 ext. 2100

3.3. Reporting to Outside Agencies: Students and employees may report to external agencies:

- **Students**

Office for Civil Rights
U.S. Department of Education
61 Forsyth Street S.W. Suite 19T10
Atlanta, GA 30303-8927
Telephone: 404-974-9406
Fax: 404-974-9417
Email: ocr.atlanta@ed.gov

Office for Civil Rights
U.S. Department of Health and Human Services
Sam Nunn Atlanta Federal Center, Suite 16T70
61 Forsyth Street S.W.
Atlanta, GA 30303-8927
Telephone: 1-800-368-1019
Fax 202-619-3818
Email: ocrmail@hhs.gov

- **Employees**

U.S. Equal Employment Opportunity Commission
220 Athens Way Suite 350
Nashville, TN 37228-9940
Telephone: 1-800-669-4000
Fax 615-736-2107
Email: info@eeoc.gov

3.4. Outside Agency Support and Resources:

Burlington County Sexual Assault Services
(856) 234-0634
<https://contactburlco.org/services/>

National Domestic Violence Hotline
800-799-7233

Providence House Domestic Violence Services
(877) 871-7551
<https://www.catholiccharitiestrenton.org/domestic-violence-services/>

3.5. Local Emergency Facilities

Virtua Memorial Hospital, 175 Madison Ave Mt. Holly, NJ 08060
Lourdes Medical Center of Burlington County, 218 Sunset Road Willingboro, NJ 08046

3.6. Time Limits on Reporting. There are no time limits on reporting Sex Discrimination and / or Sex Based Harassment to the Title IX Coordinator or RCBC. If the Respondent is no longer subject to RCBC's Education Program or Activity or significant time has passed, RCBC will have limited ability to investigate, respond and/or provide disciplinary remedies and sanctions.

3.7. RCBC Federal Reporting Obligations:

In addition to the Federal reporting requirements for the Title IX regulations, certain RCBC employees, called Campus Security Authorities, have a duty to report certain incidents of misconduct to comply with the Clery Act. Campus Security Authorities are not required to report personally identifiable information for Clery Act purposes, but statistical information must be sent regarding the type of incident that occurred and its general location (e.g., on or off-campus) for publication in an annual report of crime statistics, called the Annual Security Report. Statistics published in the Annual Security Report help to provide the campus community with a clearer picture of the extent and nature of campus crime, but the statistics do not personally identify Complainants or Respondents. Reports by Campus Security Authorities are not official police reports and do not initiate criminal investigations.

When Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking are reported under the Clery Act, RCBC must issue timely warnings for such incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

RCBC will not disclose a Complainant's name and other identifying information in a timely warning but will provide sufficient information for RCBC community members to make informed safety decisions in response to potential danger.

3.8. Preservation of Evidence: RCBC recognizes that a Complainant may need time to decide whether to report an incident of Sex Discrimination and / or Sex Based Harassment to the police and/or RCBC. The purpose of this section is to provide Complainants with suggestions on preserving evidence while they decide whether to report an incident.

Preservation of Evidence in Sexual Assault: RCBC encourages Complainants, as soon as possible after experiencing Sexual Assault, to take steps to preserve evidence such as:

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 72-96 hours after the incident
- When possible, prior to having a forensic sexual assault nurse examination performed, avoid: changing clothing, bathing, showering, using a douche, using the bathroom, brushing one's teeth, drinking liquids, washing one's hands or face, or combing one's hair;

- Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Preserve or capture electronic communications such as text messages, e-mails, social media posts or exchanges (e.g., Snapchat, Facebook, Twitter);
- Preserve or capture video, audio (e.g., voice mail messages), or photographs, including those stored on smartphones or other devices; and Preserve any other physical, documentary, and/or electronic data that might be helpful to an investigator.
- Report to RCBC Public Safety Department or the Title IX Coordinator for additional support and to inform the college if the event took place on campus or within the parameters outlined in this procedure.

Section 4: RCBC Responsibilities for Responding to Reports of Sex Discrimination

4. Initial Response to Reported Sex Discrimination and / or Sex Based Harassment:

Upon receipt of a report of Sex Discrimination and / or Sex Based Harassment, the Title IX Coordinator will promptly contact the Complainant, regardless of whether the Complainant was the individual who initiated the report.

During the initial contact with the Complainant, the Title IX Coordinator will:

- Provide the Complainant with notice of their rights and options;
- Explain the options and process for filing a written or oral complaint;
- Explain the Grievance Process;
- Discuss the availability of Supportive Measures regardless of whether a complaint is filed;
- Consider the Complainant's wishes with respect to Supportive Measures.

4.1 Complaint

- a. RCBC will investigate all allegations of Sex Discrimination and / or Sex Based Harassment in a complaint. The following persons have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that RCBC investigate and make a determination about alleged discrimination under Title IX or this part:

- (i) A complainant;

- (ii) A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant;

- (iii) The Title IX Coordinator, after making the determination specified within this section.

- (iv) With respect to complaints of sex discrimination other than sex-based harassment, in addition to the persons defined in the Notification Section

- (A) Any student or employee; or

- (B) Any person other than a student or employee who was participating or attempting to participate in RCBC's education program or activity at the time of the alleged sex discrimination.

4.2 Consolidation of complaints. The Title IX Coordinator may consolidate Complaints as to allegations of Sex Discrimination and / or Sex Based Harassment against more than one Respondent or by more than one Complainant against one or more Respondents where the allegations arise out of the same facts or circumstances. If one of the complaints to be consolidated is a complaint of sex-based harassment involving a student complainant or student respondent at a postsecondary institution, the grievance procedures for investigating and resolving the consolidated complaint must comply with federal regulations and college procedures.

4.3 Dismissal of a complaint. The following steps will be used in any decision to dismiss a complaint under the general grievance procedures that do not have a student involved as a complainant:

- A. The RCBC Title IX Coordinator may dismiss a complaint of sex discrimination made through its grievance procedures for any of the following reasons:
 - a. The recipient is unable to identify the respondent after taking reasonable steps to do so;
 - b. The respondent is not participating in the recipient's education program or activity and is not employed by the recipient;
 - c. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the college determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX or this part even if proven; or
 - d. The Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX.
 - i. Prior to dismissing the complaint under these circumstances, the recipient must make reasonable efforts to clarify the allegations with the complainant.
- B. Upon dismissal, the Title IX Coordinator must promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator must also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.
- C. A recipient must notify the complainant that a dismissal may be appealed and provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the recipient must also notify the respondent that the dismissal may be appealed. Reasons for appeals permissible by federal regulations are detailed in Section 5 and 6.
 - a. If the dismissal is appealed, the Title IX Coordinator must coordinate:
 - i. The notification to the parties of any appeal, including notice of the allegations consistent with communication notice information

detailed in these procedures if notice was not previously provided to the respondent;

- ii. Implement appeal procedures equally for the parties;
- iii. Ensure that the Decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- iv. Ensure that the Decisionmaker for the appeal has been trained as required in federal regulations;
- v. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- vi. Notify the parties of the result of the appeal and the rationale for the result.

- D. In the event that a complaint is dismissed, the Title IX Coordinator will
 - a. Offer supportive measures to the complainant as appropriate under the procedures and federal regulations.
 - b. For dismissals in which the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
 - c. Require the college take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the recipient's education program or activity via the Title IX Coordinator and members of Senior Leadership.
- E. Dismissal of a Complaint does not preclude action under other provisions of the RCBC's policies and procedures. If a Complaint is dismissed under this section and the Respondent is a student, the matter will be sent to the Vice President, Enrollment Management and Student Success or their designee for review. This review will determine whether the matter will be pursued under the RCBC Code of Conduct.
- F. If a Complaint is dismissed under this section and the Respondent is an employee, the matter will be sent to the Human Resources for review and action. The Chief Administrative Officer or their designee will determine whether the matter will be pursued under the Code of Ethics of College Employees (Board Policy 103) or other impacted policies or processes at the college and determine outcomes for violations identified as a result of investigation as defined in the Policy on Discipline (Board Policy 111).

Section 5: Overview of Grievance Process for Incidents involving Employee on Employee and Student on Student Discrimination

5. Grievance process. The grievance process within this Procedure is designed to treat Complainants and Respondents equitably. Remedies are provided to a Complainant where a determination of responsibility for Sex Discrimination and / or Sex Based Harassment has been made against the Respondent and Disciplinary Sanctions are not imposed against a Respondent prior to the completion of the grievance process.

As detailed in Section 106.45 of the federal Title IX regulations, RCBC's grievance procedures for the prompt and equitable resolution of complaints of sex discrimination are provided writing and includes provisions that incorporate the requirements of the federal regulations. This grievance process specifically addresses complaints related to any employee on employee sex discrimination and student and employee complaints for sex discrimination. Any sex based harassment complaints between students and employees is addressed through a grievance process detailed in section 6.

The requirements related to a respondent apply only to sex discrimination complaints alleging that a person violated the college's prohibition on sex discrimination. When a sex discrimination complaint alleges that a RCBC policy or practice discriminates on the basis of sex, the college is not considered a respondent.

5.1 General Grievance Process Information and Procedures for Complaints of Sex Discrimination (106.45):

5.1.1 Burden of Proof and Burden of Gathering Evidence: All investigations and proceedings, including hearings, relating to Sex Based Harassment will be conducted using a "preponderance of the evidence" (more likely than not) standard. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibly rest on RCBC, not the parties.

5.1.2 Presumption of Not Responsible: The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.

5.1.3 Time Frames for Grievance Process: RCBC strives to complete the grievance process within one hundred and twenty (120) Business Days. Temporary delays and/or extensions of the time frames within this Procedure may occur for good cause. Written notice will be provided to the parties of the delay and/or extension of the time frames with explanation of the reasons for such action. Examples of good cause for delay/extensions include but are not limited to considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

5.1.4 Medical Records: RCBC will not access, consider, disclose, or otherwise use party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless RCBC obtains that party's voluntary, written permission to do so for the grievance process within the Procedure.

5.1.5 Privileged Information: RCBC will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.

5.1.6 Range of Disciplinary Sanctions and Remedies: RCBC publishes possible sanctions for any conduct that is in violation of college policy or procedures. An outline of disciplinary sanctions for student respondents can be found in the Student Code of Conduct published on the RCBC webpage. Student sanctions range from warning to expulsion. Sanctions for respondents who are employees can be found in the RCBC Code of Ethics for College Employees referenced in the employee handbook. Employee sanctions range from warning to termination.

5.1.7 Staffing for the Title IX Process. The college has an ongoing commitment to providing staffing within the roles of the Title IX Coordinator, investigator, Supportive Measure Review Administration (SMRA) and Decisionmaker that do not have a conflict of interest against complainants or respondents generally or an individual complainant or respondent. All participating staff will be trained in Title IX regulations and identifying and reducing bias as a part of their roles.

5.1.8 Privacy of Parties. The Title IX staff will maintain consistency in procedures to protect the privacy of the parties and witnesses during the pendency of the RCBC grievance procedures, provided that the steps do not restrict the ability of the parties to: obtain and present evidence, including by speaking to witnesses, consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures;

5.1.9. Objective evaluation of evidence. The Title IX staff will make all reasonable attempts to ensure an objective evaluation of all evidence that is relevant, as defined in the federal regulations, and not otherwise impermissible—including both inculpatory and exculpatory evidence—and provide that credibility determinations must not be based on a person’s status as a complainant, respondent, or witness. The Title IX staff will exclude the following types of evidence, and questions seeking that evidence, as impermissible, regardless of whether they are relevant:

(i) Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

(ii) A party’s or witness’s 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's voluntary, written consent for use in the recipient's grievance procedures; and

(iii) Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the 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 to the alleged sex-based harassment or preclude determination that sex-based harassment occurred; and

5.1.10 Principles for Procedure Identification. Title IX regulations permit institutions to determine whether a reported incident should be heard through a single investigation model or a live hearing. RCBC will utilize the following criteria to determine if a Single Investigator model is an appropriate solution or if the case must progress to a live hearing:

The criteria for evaluation for single investigator model hearing level includes:

- **Severity of the case** - utilize a when the case involves minor or low level violations, less serious allegations, less complex cases, first time offenses, or similar non-egregious incidents.
- **Status of the Evidence** - utilize when a case includes straightforward facts and evidence and involves a lower level of severity.
- **Mutual agreement of parties** - utilize if both parties agree that the single investigator decisionmaker model provides a thorough, fair and unbiased process.

In the event that a single investigator decisionmaker model is not available for any reason, cases identified as eligible for this resolution to escalate to live hearings.

5.2 Notice of Allegations. Upon initiation of RCBC's grievance procedures, the Title IX Coordinator will provide notice of the allegations to the parties whose identities are known.

A. The notice will include:

1. Access to the information on the grievance procedures under this section, and any informal resolution process available.
2. Notice of allegations, including sufficient information available at the time to allow the parties to respond to the allegations.
 - a. Sufficient information includes the
 - i. identities of the parties involved in the incident(s),
 - ii. the conduct alleged to constitute sex discrimination under Title IX;
 - iii. the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the college;

3. A statement that retaliation is prohibited;
4. Notice that the Respondent is presumed not responsible of the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
5. A statement that the parties are entitled to an equal opportunity to access an accurate description of the relevant and not otherwise impermissible evidence as defined in the federal regulations. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.
 - a. If, in the course of an investigation, the Title IX Coordinator determines that investigation is needed for additional allegations of sex discrimination by the respondent toward the complainant that are not included in the initial notification for any reason, the Title IX Coordinator must provide notice of the additional allegations to the parties whose identities are known, as outlined in the federal regulations.
6. Notice of the RCBC Student Code of Conduct provision and / or the Code of Ethics for College Employees that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
7. In cases where a live hearing is recommended or required by Title IX regulations, the notice of allegations would include a notice that the parties may have an advisor of their choice, who may be, but is not required to be an attorney, and that the advisor may review evidence as explained in section 6 of this Procedure.

The Notice of Allegations will be updated and written notice provided to the parties if at any time during the investigation, RCBC decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Allegations.

5.3 Complaint Investigation. The college will provide for an adequate, reliable, and impartial investigation of complaints following a complaint with a request for investigation and Notice of Allegations. The burden is on the college—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. The investigation process includes:

5.3.1 Opportunity to Provide Information and Present Witnesses: Each party will be provided an equal opportunity to provide information to the investigator and present witnesses for the investigator to interview. Notice of the meeting will be sent and include date, time, location, participants, and purpose of the meeting with sufficient time to prepare to participate. The college

defines sufficient time as a minimum of 2 business days. Once an appointment is set, a maximum of one rescheduling request is permitted. Any rescheduling must be within the 10 business days.

The information provided by the parties can include inculpatory evidence (evidence that may support a finding or conclusion that Respondent engaged in Sex Discrimination and / or Sex Based Harassment) and exculpatory evidence (evidence that may support a finding or conclusion that a Respondent did not engage in Sex Discrimination and / or Sex Based Harassment). The witnesses can include both fact witnesses and expert witnesses.

5.3.2 Opportunity to Inspect and Review Evidence: Each party will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Complaint, including relevant evidence and not otherwise impermissible evidence. This review includes inculpatory and exculpatory evidence that is obtained by a party, witness, or other source.

Each party will be provided an electronic copy of a report as well as a summary of the evidence for inspection and review. The parties will have ten (10) business days to review and submit a written response.

5.3.3. Privacy Requirements and Prevention of Disclosure. RCBC will provide clear instructions to all parties regarding their responsibilities to maintain the integrity of the process and not disclose any information and evidence obtained solely through the grievance procedures without explicit authorization from the Title IX Coordinator. RCBC is required by federal regulations to take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained. For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

5.4 Questioning parties and witnesses. RCBC will provide a process that enables the Decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

The college will maintain a process that ensures that Decisionmakers:

- a. Complete necessary training for adjudicating Title IX sex based discrimination cases,
- b. Utilize a rubric assessment of the criteria for determining parties and witness credibility,

- c. Conduct a review of relationships and ability to be impartial and have no conflicts of interest with any party involved in case,
- d. Maintain transparency in decision making through documentation of case outcomes
- e. Utilize external resources or experts to determine credibility when / if needed.

The Decisionmaker's process to determine a party or witness's credibility includes an evaluation of the consistency and plausibility of testimony, the corroboration of evidence, information regarding bias or motive of either party, and related components of the parties presentation of information and overall integrity.

In addition, when needed for live hearings, the college may contract with external agencies to provide support for parties or the decision-making process.

5.5 Determination. In determining whether sex discrimination occurred, the college will follow all steps of the investigation and evaluate all relevant and not otherwise impermissible evidence, including

(1) Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. Using this standard, the Decisionmaker is required to evaluate relevant and not otherwise impermissible evidence for its persuasiveness; if the Decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the Decisionmaker must not determine that sex discrimination occurred.

(2) Notify the parties in writing of the determination whether sex discrimination occurred under Title IX or this part including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;

A. RCBC may not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the recipient's grievance procedures that the respondent engaged in prohibited sex discrimination;

(3) If there is a determination that sex discrimination occurred, as appropriate, the Decisionmaker will:

B. Require the RCBC to coordinate the provision and implementation of remedies to a complainant and other persons the college identifies as having had equal access to the RCBC's education program or activity limited or denied by sex discrimination,

C. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions, and

D. Require RCBC to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the recipient's education program or activity.

(4) The Decisionmaker will confirm compliance with federal guidance before the imposition of any disciplinary sanctions against a respondent; and

(5) Not discipline a party, witness, or others participating in an RCBC grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the college's determination whether sex discrimination occurred.

5.6 Appeals. The college offers both parties an appeal process. Either party may appeal the dismissal of a Complaint or any allegations therein. Appeals must be filed within three (3) Business Days of the receipt of the determination regarding responsibility or dismissal. The appeals must be made in writing and delivered to the Title IX Officer.

5.6.1 Bases for Appeal: Appeals of the determination of responsibility or the dismissal of a Formal Complaint may be made on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Officer, investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

5.6.2 Appeal Procedures: If an appeal is submitted, RCBC will

(1) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

(2) Ensure that the Decisionmaker for the appeal is not the same person as the Decisionmaker that reached the determination regarding responsibility or dismissal, the investigator or the Title IX Officer.

(3) Provide the non-appealing party with five (5) Business Days from receipt of the notification of appeal to submit a written statement in support of the outcome of the determination or dismissal.

(4) Issue a written decision describing the result of the appeal and the rationale for the result which can be one of the following:

- A. Affirm the Decisionmaker's determination regarding the Respondent's responsibility and affirm the disciplinary sanctions and remedies, if applicable;
- B. Affirm the Decisionmaker's determination regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable;

- C. Remand the process back to the hearing stage for the Decisionmaker to remedy any procedural irregularity or consider any new evidence;
 - D. Reverse the Decisionmaker’s determination of the Respondent’s responsibility and amend the disciplinary sanctions and remedies, if applicable; or
 - E. Affirm or amend the sanctions and/or remedies outlined in the determination issued under this Procedure.
- (5) Provide the written decision simultaneously to both parties.

5.6.3 Appeal Timeframe: The appellate Decisionmaker will release the written decision within twenty (20) Business Days of receiving the appeal.

Section 6: Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents at Postsecondary Institutions (§ 106.46)

6. Grievance Procedure Overview: RCBC has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

6.1 Complaints. The following people have a right to make a complaint of sex-based harassment, requesting that RCBC investigate and make a determination about alleged sex-based harassment under Title IX:

- A. A “complainant,” which includes:
 - a. a student or employee of RCBC who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - b. a person other than a student or employee of RCBC who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in RCBC education program or activity;
 - c. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
 - d. RCBC’s Title IX Coordinator
- B. Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).
- C. RCBC may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is

involved, references below to a party, complainant, or respondent include the plural, as applicable.

6.2 Requirements of the Grievance Procedures. The grievance process within this section of the Procedure is designed to treat Complainants and Respondents equitably. Remedies are provided to a Complainant where a determination of responsibility for Sex Discrimination and / or Sex Based Harassment has been made against the Respondent and Disciplinary Sanctions are not imposed against a Respondent prior to the completion of the grievance process.

6.2.1 Burden of Proof and Burden of Gathering Evidence: All investigations and proceedings, including hearings, relating to Sex Based Harassment will be conducted using a “preponderance of the evidence” (more likely than not) standard. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on RCBC, not the parties.

6.2.2 Presumption of Not Responsible: The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.

6.2.3 Time Frames for Grievance Process: RCBC strives to complete the grievance process within one hundred and twenty (120) Business Days. Temporary delays and/or extensions of the time frames within this Procedure may occur for good cause. Written notice will be provided to the parties of the delay and/or extension of the time frames with explanation of the reasons for such action. Examples of good cause for delay/extensions include but are not limited to considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6.2.4 Medical Records: RCBC will not access, consider, disclose, or otherwise use party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless RCBC obtains that party’s voluntary, written permission to do so for the grievance process within the Procedure.

6.2.5 Privileged Information: RCBC will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.

6.2.6 Range of Disciplinary Sanctions and Remedies: RCBC publishes possible sanctions for any conduct that is in violation of college policy or procedures. An outline

of disciplinary sanctions for student respondents can be found in the Student Code of Conduct published on the RCBC webpage. Student sanctions range from warning to expulsion. Sanctions for respondents who are employees can be found in the RCBC Code of Ethics for College Employees referenced in the employee handbook. employee sanctions range from warning to termination.

6.2.7 Staffing for the Title IX Process. The college has an ongoing commitment to providing staffing within the roles of the Title IX Coordinator, investigator, Supportive Measure Review Administration (SMRA) and Decisionmaker that do not have a conflict of interest against complainants or respondents generally or an individual complainant or respondent. All participating staff will be trained in Title IX regulations and identifying and reducing bias as a part of their roles.

6.2.8 Privacy of Parties. The Title IX staff will maintain consistency in procedures to protect the privacy of the parties and witnesses during the pendency of the RCBC grievance procedures, provided that the steps do not restrict the ability of the parties to: obtain and present evidence, including by speaking to witnesses, consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures;

6.2.9. Objective evaluation of evidence. The Title IX staff will make all reasonable attempts to ensure an objective evaluation of all evidence that is relevant, as defined in the federal regulations, and not otherwise impermissible—including both inculpatory and exculpatory evidence—and provide that credibility determinations must not be based on a person’s status as a complainant, respondent, or witness. The Title IX staff will exclude the following types of evidence, and questions seeking that evidence, as impermissible, regardless of whether they are relevant:

(i) Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

(ii) A party’s or witness’s 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’s voluntary, written consent for use in the recipient’s grievance procedures; and

(iii) Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the 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 to the alleged sex-based harassment or preclude determination that sex-based harassment occurred

6.3 Notice of Allegations. Upon initiation of RCBC's grievance procedures, the Title IX Coordinator will provide notice of the allegations to the parties whose identities are known.

6.3.1 Notification.

A. The notice will include:

- a. Access to the information on the grievance procedures under this section, and any informal resolution process available.
- b. Notice of allegations, including sufficient information available at the time to allow the parties to respond to the allegations.
 - i. Sufficient information includes the
 - a. identities of the parties involved in the incident(s),
 - b. the conduct alleged to constitute sex discrimination under Title IX;
 - c. the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the college;
- d. A statement that retaliation is prohibited;
- e. Notice that the Respondent is presumed not responsible of the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- f. Both parties may have an advisor of their choice who may be, but is not required to be, an attorney.
- g. A statement that the parties are entitled to an equal opportunity to access an accurate description of the relevant and not otherwise impermissible evidence as defined in the federal regulations. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.
- h. If, in the course of an investigation, the Title IX Coordinator determines that investigation is needed for additional allegations of sex discrimination by the respondent toward the complainant that are not included in the initial notification for any reason, the Title IX Coordinator must provide notice of the additional allegations to the parties whose identities are known, as outlined in the federal regulations.
- i. Notice that Section 3.a and 3.b of the Student Code of Conduct prohibits making false statements or knowingly submitting false information during the grievance procedures.
- j. The Notice of Allegations will be updated and written notice provided to the parties if at any time during the investigation, RCBC decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Allegations.

6.4 Dismissal of a complaint. The following steps will be used in any decision to dismiss a complaint under the general grievance procedures when a student involved as a complainant or respondent:

- A. RCBC may dismiss a complaint of sex discrimination made through its grievance procedures for any of the following reasons:
 - a. The recipient is unable to identify the respondent after taking reasonable steps to do so;
 - b. The respondent is not participating in the recipient's education program or activity and is not employed by the recipient;
 - c. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and RCBC determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX or this part even if proven; or
 - d. The Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX.
 - i. Prior to dismissing the complaint under these circumstances, the recipient must make reasonable efforts to clarify the allegations with the complainant.
 - e. Upon dismissal, the Title IX Coordinator must promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator must also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.
 - f. RCBC must notify the complainant that a dismissal may be appealed on the basis outlined in the Appeals section within this Grievance Procedure.. If dismissal occurs after the respondent has been notified of the allegations, then RCBC will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, RCBC will follow the procedures outlined in the Appeals section.

When a complaint is dismissed, RCBC will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
 - If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
 - Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within RCBC education program or activity.
- g. Dismissal of a Complaint does not preclude action under other provisions of the RCBC's policies and procedures. If a Complaint is dismissed under this section and the Respondent is a student, the matter will be sent to the Vice President, Enrollment Management and Student Success or their designee for review. This

review will determine whether the matter will be pursued under the RCBC Code of Conduct.

- h. If a Complaint is dismissed under this section and the Respondent is an employee, the matter will be sent to the Human Resources for review and action. The Chief Administrative Officer or their designee will determine whether the matter will be pursued under the Code of Ethics of College Employees (Board Policy 103) or other impacted policies or processes at the college and determine outcomes for violations identified as a result of investigation as defined in the Policy on Discipline (Board Policy 111).

6.5 Complaint Investigation: The college will provide for an adequate, reliable, and impartial investigation of complaints following a complaint with a request for investigation and Notice of Allegations. The burden is on the college—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. The investigation process includes:

6.5.1 Opportunity to Provide Information and Present Witnesses: Each party will be provided an equal opportunity to provide information to the investigator and present witnesses for the investigator to interview.

Notice of the meeting will be sent and include date, time, location, participants, and purpose of the meeting with sufficient time to prepare to participate. The college defines sufficient time as a minimum of 2 business days.

Once an appointment is set, a maximum of one rescheduling request is permitted. Any rescheduling must be within the 10 business days.

The information provided by the parties can include inculpatory evidence (evidence that may support a finding or conclusion that Respondent engaged in Sex Discrimination and / or Sex Based Harassment) and exculpatory evidence (evidence that may support a finding or conclusion that a Respondent did not engage in Sex Discrimination and / or Sex Based Harassment). The witnesses can include both fact witnesses and expert witnesses.

RCBC will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. RCBC will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.

RCBC may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

RCBC will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding. RCBC

will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

6.5.2 Opportunity to Inspect and Review Evidence:

RCBC will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. RCBC will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- RCBC will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. RCBC will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.
- RCBC will provide a reasonable opportunity to review and respond to the evidence or the investigative report. As part of a live hearing case, RCBC will provide an electronic copy of the report. This is an opportunity to review the evidence in advance of the live hearing. RCBC will determine the timing for responses prior to the live hearing and defines this time frame as ten (10) business days prior to the hearing.

6.5.3. Privacy Requirements and Prevention of Disclosure.

RCBC will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

RCBC will provide clear instructions to all parties regarding their responsibilities to maintain the integrity of the process and not disclose any information and evidence obtained solely through the grievance procedures without explicit authorization from the Title IX Coordinator. RCBC is required by federal regulations to take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained.

6.5.4 Questioning the Parties and Witnesses:

RCBC will provide a process that enables the Decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

When RCBC chooses not to conduct a live hearing:

RCBC's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or Decisionmaker to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or Decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.
 - Reasonable time for proposal of follow up questions is considered 10 (ten) business days.

When RCBC chooses to conduct a live hearing:

RCBC’s process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the Decisionmaker to ask such questions, and either:

- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the Decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; or
- Allow each party’s advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally. As RCBC may permit advisor-conducted questioning and if a party does not have an advisor to ask questions on their behalf, RCBC will provide the party with an advisor of RCBC’s choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, RCBC will not appoint a confidential employee to serve as an advisor.

6.5.5 Question Evaluation. Procedures for the Decisionmaker to evaluate the questions and limitations on questions include:

- The Decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible.
 - Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Decisionmaker will give a party an opportunity to clarify or revise a question that the Decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

6.5.6 Processes for Refusal to respond to questions and inferences based on refusal to respond to questions:

- The Decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible.
- The Decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

6.5.7 Procedures for a Live Hearing. RCBC will conduct the live hearing with the parties physically present in the same geographic location or, at RCBC's discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the Decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking. RCBC will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

6.5.8 Determination Whether Sex-Based Harassment Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, RCBC will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the Decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the Decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 - A description of the alleged sex-based harassment;
 - Information about the policies and procedures that RCBC used to evaluate the allegations;
 - The Decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
 - When the Decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions RCBC will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by RCBC to the complainant, and, to the extent appropriate, other students identified by RCBC to be experiencing the effects of the sex-based harassment; and
 - RCBC's procedures and permissible bases for the complainant and respondent to appeal.

- RCBC will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
 - Coordinate the provision and implementation of remedies to a complainant and other people RCBC identifies as having had equal access to RCBC's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within RCBC's education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.
- The determination regarding responsibility becomes final either on the date that RCBC provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

6.5.9 Appeals: RCBC will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or Decisionmaker 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.

If a party appeals a dismissal or determination whether sex-based harassment occurred, RCBC will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the Decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the Decisionmaker for the appeal has been trained consistent with the Title IX regulations;

- Communicate to the parties in writing that RCBC will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or bases for appeal RCBC offers will be equally available to all parties.

6.5.10. Informal Resolution:

Informal Resolution is available when and if the college has staff available who are trained and experienced in the Informal Resolution Process. When staff are available, in lieu of resolving a complaint through RCBC's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. RCBC will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any. RCBC will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law.

Before the initiation of an informal resolution process, RCBC will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information RCBC will maintain and whether and how RCBC could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Additional information on informal resolution is available in Section 7

6.5.11 Supportive Measures:

RCBC will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the RCBC's education program or activity or provide support during RCBC Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures are designed to restore or preserve equal access to RCBC's Education Programs or Activities

without unreasonably burdening the other party, including measures designed to protect the safety of all parties or RCBC's educational environment, or deter Sex Discrimination.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the reporting an incident, orally or in writing, or where no complaint has been filed.

6.5.12 Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, RCBC may impose disciplinary sanctions, which may include range from a warning to expulsion. A list of sanctions is described in the student handbook published at rcbc.edu/conduct. Sanctions for respondents who are employees can be found in the RCBC Code of Ethics for College Employees referenced in the employee handbook. Employee sanctions range from warning to termination. RCBC may also provide remedies, which may include a broad range including no contact orders, required training, required counseling, or alternative disciplinary measures. Actual sanctions and remedies may vary since no two circumstances are identical and outcomes are based on the situation and the nature of the infraction and the context of the circumstances as presented in the hearing.

Section 7: Informal Resolution Process. At any time after a Complaint has been signed and before a determination regarding responsibility has been reached, the parties may voluntarily agree to participate in an informal resolution facilitated by RCBC, that does not involve a full investigation and adjudication. Types of informal resolution include, but are not limited to, mediation, facilitated dialogue, conflict coaching, and restorative justice and resolution by agreement of the parties.

7.1 Informal Resolution Notice: Prior to entering the informal resolution process, RCBC will provide the parties a written notice disclosing:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;

- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information RCBC will maintain and whether and how RCBC could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

7.2 Informal Resolution Agreement: Prior to entering the informal resolution process, the parties must voluntarily agree, in writing to the use of the informal resolution process.

7.3 Informal Resolution Timeframe: Informal resolutions of a Complaint will be concluded within 45 days of notice to RCBC that both parties wish to proceed with the informal resolution process. Such notice that the parties wish to proceed with an informal resolution process will “pause” the counting of the timeframe to conclude the Grievance Process of this Procedure, should the informal resolution process fail, and the parties continue with the Grievance Process.

7.4 Informal Resolution Documentation. Any final resolution pursuant to the Informal Resolution process will be documented and kept for seven (7) years. However, no recording of the informal resolution process will be made, and all statements made during the informal resolution process will not be used for or against either party (and the Decisionmaker and/or appellate Decisionmaker may not consider any such statement made during informal resolution) should the parties resume the grievance process. Failure to comply with an informal resolution agreement may result in disciplinary action.

Section 8: Emergency Removal and Administrative Leave.

8.1 Emergency Removal At any time after the Title IX Coordinator is on notice of Sex Discrimination and / or Sex Based Harassment, RCBC may remove a Respondent on an emergency basis. RCBC will only conduct an emergency removal after:

- (1) Undertaking and individualized safety and risk analysis, and
- (2) Determining that an immediate threat of the physical health or safety of any student, employee or other individual arising from the allegations of Sex Discrimination and / or Sex Based Harassment justifies removal, and
- (3) Providing the Respondent with notice and an opportunity to challenge the decision to the Title IX Coordinator, within two (2) Business Days following the removal.

8.2 Administrative Leave: RCBC may place a non-student employee Respondent on administrative leave during the pendency of the grievance process in this Procedure.

Section 9: Recordkeeping: RCBC will maintain all the documentation related to reports of Sex Discrimination Complaints, the grievance process, and information resolution process for seven

years in accordance with state and federal records laws and requirements. The documentation of all records are private and confidential to the extent possible under law. Student records of the grievance process are disciplinary records under Family Education Rights and Privacy Act (FERPA). Employee records of the grievance process are subject to the Freedom of Information Act (FOIA) and applicable state laws and included in the employee's official employment record.

Section 10: Additional Conduct Violations Related to This Procedure: Alleged violations of the terms in this section will be sent to the Vice President, Enrollment Management and Student Success or their designee for student Respondents or to the Chief Administrative Officer supervising Human Resources for employee Respondents for investigation and adjudication under the College Standards of Conduct as listed in the RCBC Student Handbook or the Board Policies, including but not limited to Board Policy 912 Equal Employment Opportunity, Disabilities, Anti-Discrimination and Anti-Harassment Policy, Anti-Retaliation, Complaint and Reporting Procedure, Whistleblower Policy.

Section 11: Applicable State Laws

12.6: Sexual Harassment: N.J.S.A 2C:14-4

“This includes, but is not limited to, unwelcome sexual advances or requests for sexual favors, inappropriate sexual or gender-based activities, comments or gestures, touching, gratifying, or exposing of one's private parts in public, or other forms of verbal or physical conduct or communications constituting sexual harassment, including lewdness as defined by N.J.S.A 2C:14-4.”

12.7: Harassment N.J.S.A. 2C: 33-4

Harassment: any act, whether written or verbal, via online or in person, that abuses, intimidates, or threatens the safety of a member of the campus community or as additionally defined by N.J.S.A. 2C: 33-4