

Treasure Valley Community College

Code: JBA/GBN-AR(2)
Adopted: 9/15/20

Procedures for Resolving Title IX Policy Violations

1. Overview

- 1.1. TVCC recognizes the intersectional nature of the human experience. Due to that intersectionality, an individual's experience may include aspects of multiple forms of discrimination and harassment. When determining "reasonableness" under this procedure, TVCC will consider a reasonable person to have the complainant's intersectional identities.
- 1.2. This document provides a general outline of how TVCC will respond to alleged violations of GBN/JBA – Title IX Policy.
- 1.3. This document does not constitute a contract or prevent TVCC from varying from this general outline of how TVCC's responds to alleged violations of GBN/JBA – Title IX Policy
- 1.4. TVCC will act on any formal or informal notice or complaint of violation of GBN/JBA – Title IX Policy that is received by the Title IX Coordinator or any other official with authority (as defined by GBN/JBA) by applying the procedures outlined in this document.
- 1.5. The procedures contained in this document apply only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking) under GBN/JBA – Title IX Policy.
- 1.6. Mandatory and Discretionary Dismissals of Complaints - Generally:
 - Upon any dismissal, TVCC will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.
 - This dismissal decision is appealable by any party under the procedures for appeal under GBN/JBA-AR(3) Appeals. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A complainant who decides to withdraw a complaint may later request to reinstate it or refile it.
- 1.7. Mandatory Dismissal of Complaints: TVCC must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:
 - The conduct alleged in the formal complaint would not constitute sexual harassment as defined in GBN/JBA - Title IX Policy, even if proved; and/or
 - The conduct did not occur in an educational program or activity controlled by the recipient (including buildings or property controlled by recognized student organizations), and/or the recipient does not have control of the respondent; and/or
 - The conduct did not occur against a person in the United States; and/or
 - At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in TVCC's education program or activity.
- 1.8. Discretionary Dismissal of Complaints: TVCC may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:
 - A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; or
 - The respondent is no longer enrolled in or employed by the recipient; or
 - Specific circumstances prevent TVCC from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

- 1.9. All employees covered by collective bargaining or other employment agreements or handbooks are subject to the terms of their agreements/employees' rights to the extent those do not conflict with federal or state compliance obligations.
2. Confidentiality
 - 2.1. TVCC will maintain as confidential the supportive measures, provided that confidentiality does not impair TVCC's ability to provide the supportive or protective measures.
3. Initial Assessment
 - 3.1. Upon receipt of any notice, complaint, or report of alleged violations of GBN/JBA – Title IX Policy, TVCC initiates an initial assessment to determine next steps, complainants desires, any threats to the health and safety of the TVCC community, and any other information required to address the misconduct.
 - 3.2. The Initial Assessment may include (but is not limited to):
 - The Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
 - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
 - If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the complainant to make sure it is correctly completed.
 - The Title IX Coordinator reaches out to the complainant to offer supportive measures.
 - The Title IX Coordinator will notify the complainant of employee and student resources offered by TVCC including: referrals to EAP, or counseling; connections with campus-based and community resources including confidential victim advocacy services.
 - The Title IX Coordinator works with the complainant to ensure they are aware of the right to have an advisor.
 - The Title IX Coordinator works with the complainant to determine whether the complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
 - If a supportive and remedial response is preferred, the Title IX Coordinator works with the complainant to identify their wishes and then seeks to facilitate implementation. No formal grievance process is initiated, though the complainant can elect to initiate one later, if desired.
 - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, [which informal mechanism may serve the situation best or is available] and may seek to determine if the Respondent is also willing to engage in informal resolution.
 - If a formal grievance process is preferred or if the complainant is a student and the respondent is an employee, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX
 - 3.3. If after the Initial Assessment the Title IX Coordinator determines that the allegations (even if found by a preponderance of the evidence) fall outside the scope of Title IX, the Title IX Coordinator shall dismiss the complaint under GBN/JBA – Title IX Policy. The Title IX Coordinator may either initiate a resolution under a different college policy, or refer the complainant to the appropriate TVCC office should the complaint fall outside the purview of any Civil Rights and Responsibilities Policy.
 - 3.4. When an Initial Assessment does not result in dismissal of the complaint under GBN/JBA – Title IX Policy, Title IX Coordinator will generally:

- Offer supportive or emergency measures; and/or
- Initiate an informal resolution; and/or
- Initiate a Formal Grievance Process including an investigation and a hearing.

4. Supportive Measures

4.1. Any supportive or emergency measures will be scoped, created, and comply with GBN/JBA-AR(1) - Procedures for Supportive or Protective Measures

5. Informal Resolution

5.1. Informal Resolutions under this document typically include three different approaches.

- the parties agree to resolve the matter through an alternate resolution mechanism including mediation, restorative practices, etc.;
- the respondent can accept responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

5.2. To initiate Informal Resolution, a complainant needs to submit a formal complaint, as defined in GBN/JBA - Title IX (A document filed/signed by a complainant or signed by the Title IX Coordinator alleging that a respondent engaged in conduct that violates this policy and requesting that TVCC investigate the allegation). If a respondent wishes to initiate informal resolution, they should contact the Title IX Coordinator

5.3. It is not necessary to pursue informal resolution first in order to pursue a formal grievance process, and any party participating in informal resolution can stop the process at any time and begin or resume the formal grievance process.

5.4. Prior to implementing informal resolution, TVCC will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by TVCC.

5.5. TVCC will obtain voluntary, written confirmation that all parties wish to resolve the matter through informal resolution before proceeding and will not pressure the parties to participate in informal resolution.

5.6. Informal resolution may not be used to resolve allegations that an employee sexually harassed a student.

6. Formal Grievance Process – Generally

6.1. The Formal Grievance Process applies to all students and employees equally.

6.2. The Formal Grievance Process at TVCC generally has five steps:

- Step 1: Notice of Investigation and Allegations
- Step 2: Investigation
- Step 3: Live Hearing
- Step 4: Findings and Sanctions
- Step 5: Appeal

6.3. Timing of the Formal Grievance Process: TVCC will make a good faith effort to complete the formal grievance process within 90 business days from issuing the notice of investigation and allegations. The Title IX Coordinator can extend this timeframe as necessary for appropriate cause. The Title IX Coordinator will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

6.4. Ensuring Impartiality: Any individual materially involved in the administration of the resolution process (including the Title IX Coordinator, investigator(s), and decision-maker(s)) may neither

have nor demonstrate a conflict of interest or bias for or against a party generally, or for or against a specific complainant or respondent.

- The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases.
 - The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another investigator will be assigned and the impact of the bias or conflict, if any, will be remedied.
 - If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with TVCC's director of legal and human resources or appropriate administrator.
 - The formal grievance process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the respondent engaged in a policy violation and evidence which supports that the respondent did not engage in a policy violation. The decision maker will evaluate all relevant evidence and statements from parties and witnesses (subject to any limitations in these procedures for resolving title ix policy violations) to determine the facts (by a preponderance of the evidence) necessary to reach a determination on responsibility. Any determination may not be based solely on an individual's status or participation as a complainant, respondent, or witness.
- 6.5. TVCC operates with the presumption that the respondent is not responsible for the reported misconduct unless and until the respondent is determined to be responsible for a policy violation by the applicable standard of proof.
- 6.6. Delays in the Investigation Process and Interactions with Law Enforcement: TVCC may undertake a short delay in its investigation if circumstances require. Such circumstances include, but are not limited to:
- a request from law enforcement to temporarily delay the investigation,
 - the need for language assistance,
 - the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.
- TVCC will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. TVCC will promptly resume its investigation and resolution process as soon as feasible. During such a delay, TVCC will implement supportive measures as deemed appropriate.
- 6.7. TVCC's actions are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.
- 6.8. Impact on Academic Standing: if the respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this policy is not in good standing to graduate.
- 6.9. Student Withdrawal While Charges Pending:
- TVCC may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.
 - Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution, subject to the provisions outlined in this document.
 - Should a student respondent permanently withdraw from TVCC, the resolution process ends, as TVCC no longer has disciplinary jurisdiction over the withdrawn student.
 - The student who withdraws or leaves while the process is pending may not return to any TVCC campus or center. A hold will be placed on their ability to be readmitted. They may also be trespassed from TVCC property and/or events.

- If the student respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to TVCC unless and until all sanctions have been satisfied.
- TVCC will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

6.10. Employees Resigning While Charges Pending:

- Should an employee respondent resign with unresolved allegations pending, the resolution process ends, as TVCC no longer has disciplinary jurisdiction over the resigned employee.
- The employee who resigns with unresolved allegations pending is not eligible for rehire at TVCC, and the records retained by the Title IX Coordinator and human resources will reflect that status.
- All TVCC responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

6.11. Regardless if a student or employee separates their relationship with TVCC, TVCC will continue to address and remedy any systemic issues or variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

7. Formal Grievance Process – Step 1: Notice of Investigation and Allegations

7.1. The Title IX Coordinator will provide a written Notice of Investigation and Allegations (the “NOIA”) to the respondent upon commencement of the formal grievance process. This facilitates the respondent’s ability to prepare for the interview, gather evidence, and identify potential witnesses. The NOIA is also copied to the complainant, who is to be given advance notice of when the NOIA will be delivered to the respondent. The NOIA will, at minimum, include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that TVCC presumes the respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence,
- A statement about TVCC’s stance on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor, their assigned advisor, a mechanism to seek a different advisor from TVCC, and a mechanism to alert TVCC that they prefer to use an advisor of their choosing,
- A statement informing the parties that TVCC’s policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview and grievance process,
- A link to TVCC’s VAWA Brochure,

- The name(s) of the investigator(s), decision maker(s), appellate officers, along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the investigator(s), decision maker(s), or appellate officers may have, and
 - An instruction to preserve any evidence that is directly related to the allegations.
- 7.2. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.
- 7.3. The NOIA will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official TVCC records, or emailed to the parties' TVCC-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.
- 7.4. TVCC may, at its option, consolidate the complaints and investigations in cases that arise out of the same facts and circumstances and involve more than one complainant, more than one respondent, or counter complaints between parties.
8. Formal Grievance Process – Step 2: Investigation
- 8.1. TVCC endeavors to provide investigations that are trauma-informed, thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtain available, relevant evidence; and identify sources of expert information, as necessary. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.
- 8.2. Upon issuance of the NOIA, the investigator(s) typically take(s) the following steps (not necessarily in this order):
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
 - Meet with the parties
 - Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes of the relevant evidence/testimony from their respective interviews and meetings
 - Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
 - When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
 - Interview all available, relevant witnesses and conduct follow-up interviews as necessary
 - Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
 - Complete the investigation promptly and without unreasonable deviation from the intended timeline
 - Provide regular status updates to the parties throughout the investigation.
 - Prior to the conclusion of the investigation, provide the parties and their respective advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
 - Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
 - Prior to the conclusion of the investigation, provide the parties and their respective advisors (if so desired by the parties) a secured electronic draft of the investigation report as well as an

opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which TVCC does not intend to rely in reaching a determination.

- Parties will have, at minimum ten (10) business days to review and comment on the report so that each party may meaningfully respond to the evidence.
 - The parties may elect to waive the full ten days.
 - The investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report which will be shared with all parties and their advisors through secure electronic transmission or hard copy at least ten (10) business days prior to any live hearing.
 - The parties are also provided with a file of any directly related evidence that was not included in the report
- 8.3. Employee Witnesses: Witnesses (as distinguished from the parties) who are employees of TVCC are expected to fully cooperate with (and participate in) TVCC's investigation and resolution process. Failure of an employee to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline. Witness employees may have a third party support person present when meeting with an investigator.
- 8.4. Interview Methods: While in-person interviews for parties and all potential witnesses are ideal, circumstances may require individuals to be interviewed remotely. TVCC video or telephone conferencing will be used for any remote interview if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. TVCC will take appropriate steps to reasonably ensure the security/privacy of remote interviews.
- 8.5. Recording Interviews: No investigatory interviews may be recorded except as a reasonable accommodation or otherwise required by law.
- 8.6. Evidence Issues in the Investigation: The investigator(s) and investigation report will not consider:
- incidents not directly related to the possible violation, unless they evidence a pattern;
 - the character of the parties;
 - questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent; or
 - evidence that was gathered in violation of state law or this policy.
- 8.7. Referral for Hearing: Provided that the complaint is not resolved through an informal resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.
- The hearing cannot be less than ten (10) business days from when the final investigation report is transmitted to the parties and the decision-maker, unless all parties and the decision-maker agree to an expedited timeline.
- The Title IX Coordinator will select an appropriate decision-maker depending on whether the respondent is an employee or a student. Allegations involving student-employees will be directed to the appropriate decision-maker depending on the context of the alleged misconduct and who the respondent is.

9. Formal Grievance Process – Step 3: Live Hearing

- 9.1. The Title IX Coordinator will designate a decision-maker who will also chair the hearing. The decision-maker will not have had any previous involvement with the investigation. The decision-maker may not be an individual who has served in any other role in that matter.
- 9.2. The Title IX Coordinator may not serve as a decision-maker or chair but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest.
- 9.3. Notice of Hearing: No less than ten (10) business days prior to the hearing, the decision maker will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notice of hearing will contain:
- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
 - The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other student or employee activities.
 - Information on any technology that will be used to facilitate the hearing.
 - A list of all those who will attend the hearing, along with an invitation to object to any decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
 - Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
 - A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the decision maker.
 - Notification that each party must have an advisor present; there are no exceptions.
 - Notification that only the advisor may ask questions and provide assistance at the hearing.
 - A copy of all the materials provided to the decision-maker(s) about the matter, unless they have been provided already.
 - An invitation to each party to submit to the chair an impact statement pre-hearing that the decision maker will review during any sanction determination.
 - An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- 9.4. Refusal to Submit to Cross-Examination: If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.
- The decision-makers may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.
- 9.5. Evidence and Witnesses Presented at the Hearing: the Investigator(s) must have first interviewed any witness scheduled to participate in the hearing, unless all parties and the chair agree to the witness's participation in the hearing. All evidence the parties intend to offer must first have been submitted to the investigator(s) unless the parties and chair agree. If the evidence is newly available, not available during the investigation, and could impact the outcome of the hearing, the chair will delay the hearing and instruct that the investigation be re-opened to consider that evidence.

The Title IX Coordinator will give the decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and advisors in advance of the hearing. If a decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the chair.

9.6. Evidence Admissible for a Responsibility Determination: Any evidence that the decision-maker(s) determine(s) is relevant and credible may be considered, subject to the following limitations:

- incidents not directly related to the possible violation, unless they evidence a pattern;
- the character of the parties; or
- questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

9.7. Evidence Admissible for Sanctioning: The following evidence is admissible and relevant only to determining actions after a finding of responsibility:

- Respondent's previous disciplinary history of any kind may be considered to determine an appropriate sanction or remedy.
- The parties may each submit a written impact statement prior to the hearing for the consideration of the decision-maker(s) at the sanction stage of the process if a determination of responsibility is reached.

10. Formal Grievance Process – Step 4: Findings and Sanctions

10.1. Standard of Proof for Findings: All findings in the proceedings will be by a preponderance of the evidence, which means that the decision-maker will determine whether the sum of all the evidence shows that it is more likely than not that the respondent violated college policy. This standard will be used in any Title IX fact-finding and related proceedings, including any hearings. It will be used for cases involving student and employee complainants and/or student and employee respondents. Decision-makers will independently reach a determination about responsibility, based on the evidence, without deference to the investigative report.

10.2. Sanctions: If the respondent is found responsible, TVCC will determine appropriate sanctions. Sanctions will be determined by majority rule of the Decision-maker in conjunction with two other TVCC administrators. These administrators will be present for the hearing, and have an opportunity to submit questions for the parties, though they will not vote regarding responsibility.

- For employee Sanctions, the Decision-maker and TVCC Administrators will consider factors such as (but not limited to):
 - employee longevity,
 - work history,
 - nature and severity of violation
 - The respondent's disciplinary history
 - Previous allegations or allegations involving similar conduct

- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the complainant and the community
- The impact on the parties
- Any other information deemed relevant by the decision-maker or TVCC administrators
- For student Sanctions, the Decision-maker and TVCC Administrators will consider factors such as (but not limited to):
 - The respondent's disciplinary history
 - Previous allegations or allegations involving similar conduct
 - The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
 - The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
 - The need to remedy the effects of the discrimination, harassment, and/or retaliation on the complainant and the community
 - The impact on the parties
 - Any other information deemed relevant by the decision-maker or TVCC administrators

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

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by authorities and entities other than TVCC.

10.3. Possible Student Sanctions: The following are examples of sanctions that may be imposed upon students or organizations singly or in combination:

- Warning: A formal statement that the conduct was unacceptable and a warning that further violation of any TVCC policy, procedure, or directive will result in more severe sanctions/responsive actions.
- Probation: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- Suspension: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student.
- Expulsion: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend TVCC-sponsored events.
- Withholding Diploma: TVCC may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- Revocation of Degree: TVCC reserves the right to revoke a degree previously awarded from TVCC for fraud, misrepresentation, and/or other violation of TVCC policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- Organizational Sanctions: Deactivation, loss of recognition, loss of some or all privileges (including TVCC registration) for a specified period of time.

- Other Actions: In addition to or in place of the above sanctions, TVCC may assign any other sanctions as deemed appropriate.

10.4. Possible Employee Sanctions: The following are the examples of sanctions that may be imposed upon employees:

- Warning – Verbal or Written
- Performance Improvement Plan
- Mandatory EAP Referral
- Required Training
- Disciplinary Probation
- Suspension without pay
- Dismissal

Other Actions: In addition to or in place of the above sanctions, TVCC may assign any other sanctions as deemed appropriate.

10.5. Notice of Outcome: The decision maker and Title IX Coordinator will draft and issue a notice of outcome to the parties. This notice will be made simultaneously, in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official TVCC records, or emailed to the parties' TVCC-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

10.6. The Notice of Outcome will identify the specific policy sections found to be violated, and will contain:

- a description of the procedural steps taken by TVCC since the receipt of the formal complaint;
- the finding on each alleged policy violation, and include supporting findings of fact and conclusions regarding the application of the relevant policy to the facts at issue;
- a statement of, and rationale for, the result of each allegation to the extent TVCC is permitted to share such information under state or federal law;
- any sanctions issued which TVCC is permitted to share according to state or federal law; and
- any remedies provided to the complainant designed to ensure access to TVCC's educational or employment program or activity, to the extent TVCC is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The notice of outcome will also include information on when TVCC considers the results to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

11. Formal Grievance Process – Step 5: Appeals

11.1. Any Appeal under any Civil Rights and Responsibilities Policy shall be processed under, and comply with GBN/JBA-AR(3) - Appeals