

Moberly Area Community College Sexual Misconduct Policy

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I. Commitment to Prohibit Sexual Misconduct

Moberly Area Community College is committed to providing an environment for its students, faculty, staff, and visitors, regardless of sexual orientation or gender identity, that discourages and prevents sexual misconduct. MACC maintains a strict policy prohibiting sexual misconduct in any form, to include sexual harassment, sexual discrimination, and sexual violence (rape, sexual assault and other sexual offenses, dating violence, domestic violence, and stalking). This policy applies to students and employees as well as third parties.

Response options are available through MACC policies and/or local, state, and federal law enforcement agencies for any person who believes he or she has been sexually harassed, has experienced sexual discrimination, or has been a victim of sexual assault or other sexual misconduct at a College-sanctioned program or activity or on College-owned or controlled property, or if he or she believes that the sexual misconduct occurring outside these parameters has the potential to negatively impact his or her learning or working environment at MACC.

Any person found to be in violation of this Sexual Misconduct Policy will be subject to action by MACC, up to and including dismissal. Depending on the complainant's wishes, a violation could also result in appropriate action by law enforcement agencies.

MACC complies with all laws and regulations governing how colleges and universities handle sexual offenses. This policy outlines institutional procedures to meet the requirements of Title IX, the Violence against Women Reauthorization Act, the Campus Sexual Violence Act, the Clery Act, and the Office of Civil Rights Guidance Letter.

II. Definitions and Prohibited Behaviors

Consent

Sexual misconduct occurs when there is physical or other non-physical conduct of a sexual nature without clear, knowing, and voluntary consent. Consent means that both people in a

sexual encounter must agree to it, and either person may decide at any time that he or she no longer consents and wants to stop the activity. Consenting to one behavior does not obligate a person to consent to any other behaviors; consenting on one occasion also does not obligate a person to consent on any other occasion; consenting to have sexual intercourse with one person does not imply a person consents to have sexual intercourse with another person; consenting means only that at this particular time, a person would like to engage in this particular sexual behavior. Consent can be withdrawn at any time, and coercion, force, or threat of either invalidates the consent. An individual who is incapacitated (e.g., due to the use of alcohol or other drugs, is injured, is asleep or unconscious, or has a physical or mental disability) cannot consent. Silence or an absence of resistance does not imply consent.

Dating Violence

Dating violence means violence which is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors including the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence can include the following types of abuse:

- Physical abuse, such as hitting, shoving, kicking, biting, or throwing things.
- Emotional abuse, such as yelling, name-calling, bullying, embarrassing, isolating from friends, saying the abuse is deserved, or giving gifts to "make up" for the abuse. Dating violence often starts with emotional abuse. A victim may think that behaviors like those above are a "normal" part of relationships, but they can lead to more serious kinds of abuse, like hitting, stalking, or preventing the victim from using birth control.
- Sexual abuse, such as forcing a person to do something sexual (such as kissing or touching) or doing something sexual when a person cannot give consent (e.g., when a person is incapacitated).

Domestic Violence

State law in Missouri classifies domestic abuse as being "assault, battery, coercion, harassment, sexual assault, stalking, or unlawful imprisonment" of one individual by another.

Hostile Work Environment

In general, a hostile work environment ensues when there is discriminatory conduct or behavior in the place of work that is unwelcome and offensive to an employee or group of employees based on a protected class status.

Intimidation

Intimidation is intentional behavior that would cause a person of ordinary sensibilities fear of injury or harm.

Retaliation

Accused individuals and employers shall not intimidate, harass, coerce, or otherwise retaliate against individuals who report sexual discrimination, sexual harassment, or sexual assault; file a sexual misconduct complaint; assist someone in reporting sexual misconduct or filing a complaint; participate in any manner in an investigation of sexual misconduct; or protest any form of sexual misconduct.

Sexual Assault

Sexual assault occurs when one person has sexual contact or sexual intercourse with another person without that person's consent.

- Non-consensual sexual contact is any intentional sexual touching, however slight, with any object, by a person upon a person that is without consent and/or by force.
- Non-consensual sexual intercourse is any sexual intercourse, however slight, with any object, by a person upon a person that is without consent and/or by force.

Sexual Exploitation

Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for his/her advantage or benefit or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy, prostituting another individual, non-consensual video or audio-taping of sexual activity, going beyond the boundaries of consent, engaging in voyeurism, knowingly transmitting an STD or HIV to another individual, exposing one's genitals in non-consensual circumstances, and inducing another to expose their genitals. Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature, including sexual violence. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment under the following conditions:

- Submission is made an expressed or implied term or condition of employment or status in a class, program, or activity;
- Submission to or rejection of the behavior is used to make an employment or educational decision (such as hiring, promotion, or grading a course); and/or
- The conduct may unreasonably interfere with a person's work or educational performance or creates an intimidating, hostile, or offensive environment for working or learning.

Both men and women can be sexually harassed. Sexual harassment can occur between equals but most often occurs in situations where one person has power over another.

Stalking

Stalking is a type of conduct that is directed at a specific person, is unwelcome, and would cause a reasonable person to feel fear. The acts of a stalker may include, but are not limited to, following a person or making unwanted communication or unwanted contact with a person.

III. Response Options (Complaint Procedures)

Individuals who believe that they have encountered sexual misconduct by another employee or student of the College may attempt to resolve the situation through informal or formal complaint procedures. The individual also has the option to make a criminal report to local authorities.

Informal Complaint

In some cases, an individual may choose to address a situation involving sexual misconduct through informal measures. Individuals who opt for the informal procedure may attempt to resolve the situation through the following actions:

- Communicate verbally or in writing with the person whose behavior is unwelcome and clearly request that the unwelcome behavior stop immediately, and/or
- Speak with the appropriate supervisor who may then speak with the person whose behavior is unwelcome.

Formal Complaint

Individuals who wish to file a formal complaint of sexual misconduct should complete the Sexual Misconduct Report Form, located in electronic format on the MACC website and MyMACC and in hard copy in the Office of Student Services and in each off-site office. All Sexual Misconduct Report Forms will be forwarded to the Title IX Coordinator. Information in these reports required for Clery Act reporting or involving the safety of the College community will be shared with the Director of Security and Residential Life. The remaining sections of this policy outline the procedures undertaken following a formal complaint. (See Section VII for a description of the investigation of reports.)

Criminal Complaint

The option to pursue criminal charges is the complainant's choice. Victims of sexual misconduct should not assume that the College is aware of such conduct. Reporting sexual misconduct to a College official does not substitute for notification of appropriate law enforcement authorities. However, area law enforcement agencies and MACC strive to work collaboratively to share information needed to maintain a safe campus environment.

Complaints in Conjunction with Other Policy Violations

In cases where an individual alleging sexual misconduct may also be involved in a violation of another MACC policy, such as the drug/alcohol policy or student conduct policy, the College will review these policy violations separately from the sexual misconduct allegation. The College encourages individuals to report when they have encountered sexual misconduct, despite their own involvement in other policy violations. When appropriate, the College will either grant amnesty to the complainant or respond to

the other violation as an educational matter rather than as a disciplinary matter. The College's policy on the usage of alcohol and other drugs may be found in the Policy Handbook, item L.090 and M.100. The College's policy on student conduct may be found in the Policy Handbook, item M.096.

IV. Reporting and Confidentiality

Responsible Employees (Mandated Reporters)

All MACC employees are considered responsible employees (i.e., mandated reporters), and as such are expected to promptly contact the Title IX Coordinator when they become aware of an incident of sexual misconduct, regardless of whether the recipient is an employee, a student, a volunteer, or a visitor of the College.

When an individual tells a responsible employee about an incident of sexual misconduct, the individual has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College's response to the report. These people will include the Title IX Coordinator and may include the College's Behavioral Intervention Team, administrative council, and/or the Director of Security and Residential Life. A responsible employee should not share information with law enforcement without the complainant's consent or unless the complainant has also reported the incident to law enforcement.

Before an individual reveals any information about sexual misconduct to a responsible employee, the employee should ensure that the individual understands the employee's reporting obligations, and, if the individual wants to maintain confidentiality, direct the individual to confidential resources. If the individual wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the individual that the College will consider the request but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the individual's request for confidentiality. Responsible employees will not pressure an individual to request confidentiality but will honor and support the individual's wishes, including the wish that the College fully investigate an incident. Responsible employees will not pressure an individual to make a full report if the individual is not ready to.

Should the Title IX Coordinator be given information by a third party or an anonymous person, the details will be discussed with the alleged victim if that name is given. The alleged victim will make the determination if he or she wants to provide details regarding the incident. Even if the individual does not choose to participate in the reporting process, the information given by the third party will be documented. Under no circumstances should anyone involved in the reporting of a crime be a victim of retaliation. MACC prohibits retaliation and will take strong responsive action if retaliation occurs.

Weighing Requests for Confidentiality

If an individual discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, employees, and visitors. If the College honors the request for confidentiality, a complainant must understand that the College's ability to meaningfully investigate the

incident and pursue disciplinary action against the respondent(s), if appropriate, may be limited. Although rare, there are times when the College may not be able to honor an individual's request in order to provide a safe, non-discriminatory environment for all students, employees, and visitors.

The Director of Security and Residential Life will evaluate requests for confidentiality. When weighing a complainant's request for confidentiality or that no investigation or discipline be pursued, the Director of Security and Residential Life will consider a range of factors, including the safety of the College community, the age of the complainant(s) and respondent(s), and the seriousness of the allegations. If the College determines that it cannot maintain an individual's confidentiality, the College will inform the complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will remain ever mindful of the complainant's well-being and will take ongoing steps to protect the individual from retaliation or harm and work with the complainant to create a safety plan. Retaliation against the complainant, whether by students, employees, or other College representatives will not be tolerated. If the College determines that it can respect a complainant's request for confidentiality, the College will also take immediate action as necessary to protect and assist the complainant (e.g., rearrange living assignments, work schedules, and/or class schedules if at all possible, etc.).

The information reported to the Title IX Coordinator may also be used (without the victim's name) to issue timely warnings, which are required by the Clery Act. If applicable, the incident must be reported in the Annual Security Report (anonymously, as a statistic), which is also mandated by the Clery Act.

Privileged and Confidential Communications

MACC encourages victims of sexual misconduct to talk about their experience so they get the support they need and so officials can respond appropriately. Should an individual decide not to pursue the incident by criminal or institutional processes, an individual can and should contact a confidential source to seek guidance.

Professional licensed counselors and pastoral counselors as well as non-professional counselors and advocates who provide mental health counseling or services to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a victim's permission. MACC does not offer on-site professional or pastoral counseling services; however, these confidential services are available off-site through the College's Employee/Student Assistance Program or through community agencies, such as those identified in Section V of this policy.

An individual who speaks to a professional counselor or advocate must understand that, if the individual wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the respondent. An individual who at first requests confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement and thus have the incident fully investigated.

V. Options for Assistance

Immediate Assistance

The following non-MACC affiliated resources/shelters can provide an immediate, confidential response in a crisis situation and can assist an individual in obtaining needed resources and can provide guidance with reporting options and processes. These confidential contacts may also provide an advocate to accompany an individual to the hospital for treatment.

Safe Passage, Moberly
Hotline: 800-616-3754
Hotline: 660-269-8111
Phone: 660-269-8111
<http://safepassage.weebly.com>

True North Shelter, Columbia
Hotline: 800-548-2480
Hotline: 573-875-1370
Phone: 573-875-1370
<http://truenorthofcolumbia.org>

Victim Support Services, Kirksville
Hotline: 660-668-1617
Hotline: 660-651-1617
Phone: 660-651-1617

Audrain County Crisis Intervention Services, Mexico
Hotline: 800-246-2280
Phone: 800-246-2280

Avenues, Hannibal
Hotline: 800-678-7713
Hotline: 573-221-4280
Phone: 573-221-4280
<http://avenueshelp.org>

Coalition against Rape and Domestic Violence (CARDV), Fulton
Hotline: 866-642-4422
Hotline: 573-642-4422
Phone: 573-642-4422
<http://callawaycardv.org>

The following emergency numbers are available to report sexual misconduct or an emergency situation.

MACC Director of Security and Residential Life	660-263-4100 x11247 or 660-833-6990
MACC Title IX Coordinator	660-263-4100 x11236
Moberly Police	660-263-0346
Columbia Police	573-442-6131

Hannibal Police	573-221-0987
Kirksville Police	660-665-5621
Knox County Sheriff	660-397-2186
Mexico Public Safety	573-473-5800

A victim of sexual assault should seek preventative treatment and treatment for injuries, as well as preserve evidence by being examined at a hospital. To preserve evidence, an individual should not bathe or change clothes or do any cleaning up in any manner prior to receiving medical assistance. The following local hospitals are trained to use a rape kit and perform examinations for evidence:

Moberly Regional Medical Center 1515 Union Avenue Moberly, MO	660-263-8400
University of Missouri-Columbia Hospital and Clinics 1 Hospital Drive Columbia, MO	573-882-4141
Hannibal Regional Hospital 6000 Hospital Drive Hannibal, MO	573-248-1300
Northeast Regional Medical Center 315 South Osteopathy Kirksville, MO	660-785-1000

Ongoing Assistance

The following options exist for counseling, advocacy, and support for victims of sexual misconduct. These resources are available whether or not an individual chooses to make an official report to the College or to law enforcement.

MACC Resource:

MACC Employee/Student Assistance Program
(provided through H&H Health Associates, Inc.)
314-845-8302 or 800-832-8302
info@hhhealthassociates.com
www.hhhealthassociates.com

The Employee/Student Assistance Program (EAP/SAP) offers counseling services and/or legal advice for both the complainant and the respondent involved in cases of sexual assault, harassment, discrimination, or other sexual misconduct. All services are confidential and at no cost to all students, employees, family members, significant others, and anyone residing in the student's or employee's household. Access to the EAP/SAP is 24/7 by phone or in-person by appointment. EAP/SAP staff will be able to connect an individual with a local counselor to meet face to face by appointment. In crisis situations, counselors are available to talk by phone 24/7. The EAP/SAP provides short-term, solution-focused counseling. Although there is no charge for

services provided under the benefit, the benefit does have limits on the level of service and length of time a service will be provided at no cost. If there is a need for longer-term treatment, EAP/SAP counselors will be able to help with appropriate recommendations and referrals.

Community Resources:

Safe Passage, Moberly
Hotline: 800-616-3754
Hotline: 660-269-8111
Phone: 660-269-8111
<http://safepassage.weebly.com>

True North Shelter, Columbia
Hotline: 800-548-2480
Hotline: 573-875-1370
Phone: 573-875-1370
<http://truenorthofcolumbia.org>

Victim Support Services, Kirksville
Hotline: 660-668-1617
Hotline: 660-651-1617
Phone: 660-651-1617

Avenues, Hannibal
Hotline: 800-678-7713
Hotline: 573-221-4280
Phone: 573-221-4280
<http://www.avenueshelp.org>

Coalition against Rape and Domestic Violence (CARDV), Fulton
Hotline: 866-642-4422
Hotline: 573-642-4422
Phone: 573-642-4422
<http://callawaycardv.org>

In addition to the above mentioned resources, the Director of Security and Residential Life (x11247), Title IX Coordinator (x11236), Dean of Student Services (x11235), and Vice President for Instruction (x11264) can provide ongoing support during the institutional disciplinary and/or criminal process.

VI. Title IX Coordinator

It is the policy of Moberly Area Community College, in accord with providing a positive, discrimination-free educational and work environment, that sexual misconduct in the work place or the education environment is unacceptable behavior that will not be tolerated. Any student, employee, or visitor who believes he or she has witnessed or been the victim of sexual misconduct should report the incident to the Title IX Coordinator as soon as possible following the incident. If the allegation is against the Title IX Coordinator, the report should then be made to the Director of Security and Residential Life or a Deputy Coordinator. A Sexual Misconduct Report Form is available on the MACC website, on MyMACC, and in

the Office of Student Services as well as each off-site office. The Sexual Misconduct Report Form should be submitted to the Title IX Coordinator. An anonymous Sexual Misconduct Report Form can be submitted. Anonymous reports may limit the extent to which sexual misconduct can be investigated.

As outlined by the Association of Title IX Administrators (ATIXA) Statement of Ethics and Professional Standards for Title IX Coordinators, MACC's Title IX Coordinator is responsible for coordinating all activities related to Title IX compliance. These responsibilities include ensuring policy compliance with federal and state laws; attending appropriate training; providing education of Title IX deputy coordinators, investigators, and security officers; developing and implementing educational efforts designed to prevent sexual misconduct; ensuring timely resolution to all investigations and complaints; maintaining grievance files and records; developing an annual report of the number of and nature of filed complaints; and serving as principal contact for government inquiries pursuant to Title IX.

The Title IX Coordinator is appointed by the President of MACC and is supported by Deputy Coordinators. Each coordinator receives training in state and federal laws, as well as College policy as related to Title IX. The Title IX Coordinator and Deputy Coordinators can be reached via phone, e-mail, or in person:

Jackie Fischer, Ph.D.
Dean of Academic Affairs
Moberly Area Community College
101 College Avenue
150 Main Building
Moberly, MO 65270
(660) 263-4100 ext. 11236
jackief@macc.edu

Title IX Coordinator

Ann Parks
Director of Human Resources
Moberly Area Community College
101 College Avenue
138 Main Building
Moberly, MO 65270
(660) 263-4100 ext. 11272
annparks@macc.edu

Deputy Coordinator

Lori Perry
Director of Security and Residential Life
Moberly Area Community College
101 College Avenue
H12 Komar Hall
Moberly, MO 65270
(660) 263-4100 ext. 11247
loriperry@macc.edu

Deputy Coordinator

While a sexual misconduct complaint or concern can be brought forth from many sources, they are all brought to the Title IX Coordinator for review. The Coordinator ensures that MACC's policy is followed and that the investigation is conducted promptly and thoroughly and that the misconduct ceases and

does not occur again. Once the extent of the investigation is determined, a Title IX investigation may include a preliminary investigation, a formal comprehensive investigation, witness interviews, and a gathering of evidence. All findings will be communicated to the appropriate parties.

VII. Investigation of Reports of Sexual Misconduct and Interim Accommodations

Reports of sexual misconduct will be investigated in a thorough, impartial, and timely manner. Throughout the investigation, all parties involved will be treated fairly and with respect. Equity in both procedures and outcomes will be maintained throughout the process. Mediation is not an option for resolution in cases involving sexual misconduct.

Following notification of alleged sexual misconduct, MACC will take immediate steps and interim measures to ensure the safety and well-being of the complainant, such as changing work and academic schedules, allowing withdrawal from or retaking a class without penalty, offering academic support, providing alternative access to academic services such as tutoring, and changing residence hall assignments when possible. MACC Security may issue no contact orders with the respondent while an investigation is pending.

Preliminary Investigation (Step One)

After a complaint about sexual misconduct is received, the Title IX Coordinator will conduct a preliminary investigation to determine if the complaint falls under the scope of Title IX and if there is evidence indicating that a policy violation may have occurred. In a preliminary investigation, the Title IX Coordinator may interview the complainant, the respondent(s), and any witness(es); review any documentary evidence submitted by either party; and document the nature and specifics of the alleged incident(s). Each party may have an advisor present who may provide support or consultation during any and all interviews but may not actively participate in the interview. The complainant's sexual history with anyone other than the accused generally will not be considered or permitted as admissible evidence as part of the preliminary investigation. Prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.

A variety of evidence may be gathered during the preliminary and/or formal investigation. This evidence may include, but is not limited to, direct evidence, circumstantial evidence, documentary evidence, and second-hand hearsay evidence. The receipt of evidence will be documented throughout the course of the investigation; evidence gathered will be kept in a secure location. Prior conduct violations by the respondent are generally not admissible as evidence. All evidence will be kept confidential to the extent permitted by law.

Following the preliminary investigation, the Title IX Coordinator shall promptly forward the complaint with related documentation to the Vice President for Instruction and will include a recommendation based on a preponderance of the evidence on whether to proceed with the next step, which is a formal, comprehensive investigation. If insufficient information exists to move the case to step two, the case will be dismissed, and the Title IX Coordinator will communicate the outcome simultaneously in writing to the complainant and the respondent(s).

Formal Investigation (Step Two)

If step two is recommended, the Vice President for Instruction will charge the Title IX Coordinator with conducting a thorough and comprehensive investigation to determine, based on a preponderance of the evidence, whether sexual misconduct occurred. The Title IX Coordinator will notify both the complainant and the respondent(s) that a formal investigation will be conducted. The Title IX Coordinator may meet or talk with both parties separately in order to clarify or gather additional information. Both parties will also be provided an opportunity to present witnesses and other evidence relevant to the incident. Should a hearing be held for this purpose, both parties will be notified by the Title IX Coordinator of the time and date of the hearing. The complainant's sexual history with anyone other than the respondent generally will not be considered or permitted as admissible evidence as part of the formal investigation. Prior consensual dating or a sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct. Each party may have an advisor present who may provide support or consultation during interviews or hearings but may not actively participate in the interview. The respondent(s) will not be permitted to personally question/interrogate the complainant during any hearing.

The Title IX Coordinator will decide, based on a preponderance of the evidence, whether sexual misconduct has occurred, and if so, make a recommendation for action to the Vice President for Instruction. The Title IX Coordinator shall simultaneously communicate the outcome of the formal investigation in writing and resulting sanctions, if any, to both the complainant and the respondent(s). Neither party will be required to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the redisclosure of information related to the outcome of the proceeding.

VIII. Sanctions and Remedies

If an employee of the College is found to have violated the College's sexual misconduct policy, possible outcomes may include the following:

- Verbal warning
- Written warning in the individual's personnel file
- Probation
- Suspension
- Reassignment of duties or location
- Required counseling or programming
- Restricted contact with the complainant
- Termination

If a student is found to have violated the College's sexual misconduct policy, possible outcomes may include the following:

- Restricted access to College property and/or events
- Removal from College-sponsored teams or clubs
- Required counseling or programming
- Changes to course/class schedule
- Removal from campus housing
- Restricted contact with complainant

- Probation
- Suspension
- Expulsion

If a visitor, vendor, or other non-employee/non-student is found to have violated the College's sexual misconduct policy, possible outcomes may include the following:

- Notification of company supervisor
- Restricted access to College property and/or events
- Restricted contact with complainant
- Restricted participation in College-sponsored or College-related organizations
- Termination of contractual arrangements

Should sexual misconduct occur at a College-sanctioned program or activity or on a College-owned or controlled property or if the complainant believes that the sexual misconduct has the potential to negatively impact his or her work or learning environment, MACC will take immediate steps to prevent the recurrence of the misconduct and to remedy discriminatory effects on the complainant and others, if appropriate. Depending on the specific nature of the misconduct, remedies may include, but are not limited to, changing class schedules, residence hall assignments, or work schedules; arranging extended time to complete or retake a class or withdraw from a class without penalty; training or retraining employees on the College's responsibilities to address allegations of sexual misconduct; and conducting prevention programs for students.

IX. Appeals/Challenges

If the complainant or respondent is not satisfied with either the outcome of the initial investigation or the outcome of the formal investigation by the Title IX Coordinator, the complainant or respondent may appeal either decision by following Steps 2 and 3 of the College's formal grievance procedure. (See Tab 1 of the MACC Policy Manual.)

Both the complainant and the respondent have the right to challenge the involvement of any College employee involved in the investigation if either party believes that a conflict of interest exists with these individuals. Any challenge shall be made in writing and submitted to the Vice President for Instruction, who will review the challenge and name an alternate individual, if warranted.

X. Time Frames

The investigation, resolution, and appeal process will be completed within 60 to 90 days of the notification. In extreme cases when the process will require more than 90 days, all parties will be notified of the status of the investigation. Both the complainant and the respondent will receive periodic updates from the Title IX Coordinator.

XI. Prevention and Education

MACC fosters a culture of respect amongst the campus community with its vision and value statements and by its setting of standards and expectations that are reinforced by the College's conduct, complaint, and sexual misconduct policies. Literature on date rape education and risk reduction, as well as MACC

response, is available through the MACC Security Office. Educational resources are available online through the Student Assistance Program and Employee Assistance Program at <http://www.hhhealthassociates.com>. Additionally, the Director of Security and Residential Life conducts a climate survey on an annual basis in order to gauge the scope and nature of the problem of sexual misconduct as perceived by MACC students and employees. Information gathered from this assessment tool is used to determine further training and/or prevention efforts needed.

All MACC employees are required to complete training on preventing sexual violence and discrimination within their first thirty days of employment. An online resource is used to provide and track employee training. MACC also provides training for employees by hosting speakers on topics such as sexual harassment prevention. Additionally, key personnel attend seminars and workshops on Title IX, the Clery Act, and more.

For students, MACC also utilizes online training that covers topics related to the Clery Act, VAWA, and Title IX, such as students' rights and responsibilities; preventing sexual violence, dating violence, stalking, harassment and bullying; navigating partying, drugs and alcohol; and acting as allies for others in need. The online resource covers a full range of topics related to the Campus SaVE Act, including Sexual Violence; Bystander Intervention; "Men as Allies;" Concepts of Consent, No-Consent, and Continuous Consent; Gender Sensitivity; and Use of Drugs and Alcohol. Dorm residents, student athletes, and cheerleaders are required to complete training through the online program; however, the training is available to all MACC students. Additionally, MACC educates students about sexual assault and date rape prevention during fall orientations and through informational programs available upon request.

XII. Policy Monitoring

MACC's Compliance Committee and Title IX Coordinator continually examine MACC's Sexual Misconduct Policy to ensure that the policy is effective and understandable for community members. All policy revisions and updates will be reviewed and approved by the MACC President's Council and the MACC Board of Trustees. In addition, MACC's Director of Security and Residential Life and Director of Plant Operations work continuously to ensure that all MACC sites are safe and secure educational environments.