

NOTIFICATION OF TITLE IX GRIEVANCE PROCEDURES

Title IX of the Education Amendments of 1972 (“**Title IX**”) prohibits recipients of federal financial assistance, like Colorado College, from discriminating on the basis of sex. On August 14, 2020, the U.S. Department of Education released regulations concerning Title IX Sexual Harassment. Colorado College (the “**College**”) is required to follow these regulations, when applicable. While the College is committed to maintaining an environment free from Title IX Sexual Harassment and conforms to legal requirements under Title IX, the College is equally committed to addressing non-Title IX Sexual Harassment.

WHEN IS TITLE IX APPLICABLE?

Title IX applies to Title IX Sexual Harassment in the College’s education program or activity against a person in the United States. “**Title IX Sexual Harassment**” means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the College conditions the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct (i.e. “quid pro quo”);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, *and* objectively offensive that it effectively denies a person equal access to the College’s education program or activity;
3. “**Sexual assault**” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “**dating violence**” as defined in 34 U.S.C. 12291(a)(10), “**domestic violence**” as defined in 34 U.S.C. 12291(a)(8), or “**stalking**” as defined in 34 U.S.C. 12291(a)(30), which are also defined in the College’s Gender-Based Discrimination, Sexual Harassment, and Sexual Violence Policy and Procedures, which can be accessed here: <https://www.coloradocollege.edu/basics/welcome/leadership/policies/gender-based-discrimination-sexual-harassment-and-sexual-violence-policy-and-procedures>.

TITLE IX DEFINITIONS

The following terms are defined in the Title IX regulations and are applicable to the grievance process described herein:

1. “**Advisor of choice**” means a person the complainant or respondent selects to be present during any grievance proceeding, including related meetings or proceedings.
2. “**Complainant**” means an individual who is alleged to be the target of conduct that could constitute sexual harassment.
3. “**Decision Maker**” means an individual who assesses the relevant evidence, including party and witness credibility, to decide if the College has shown by a preponderance of the evidence that the respondent is responsible for the alleged sexual harassment. The decision maker may not be the Title IX Coordinator or the investigator.

4. **“Education Program or Activity”** means locations, events, or circumstances over which the College exercises substantial control over both the complainant and respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.
5. **“Formal complaint”** means a document alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment that is either (1) filed and signed by a complainant or the complainant’s parent or guardian with the legal authority to act on behalf of the complainant or (2) signed by the Title IX Coordinator.
6. **“Investigator”** means an individual who is responsible for investigating the allegations in the formal complaint according to this regulation. The investigator may be the Title IX Coordinator but cannot be the decision maker.
7. **“Respondent”** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
8. **“Supportive Measures”** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the complainant or respondent, before or after the filing of a formal complaint or where no formal complaint has been filed.
9. **“Title IX Coordinator” or “Deputy Coordinator”** means the employee designated by the College to coordinate its efforts to comply with Title IX responsibilities.
 - The College’s Title IX Coordinator is Heather Kissack, the Associate Vice President of Human Resources, and she can be reached by calling extension 6202 or (719) 389-6202, emailing titleix@coloradocollege.edu or hkissack@coloradocollege.edu, or visiting Spencer Center, Suite 101.
 - The College’s Deputy Title IX Coordinator for Students is Josh Isringhausen, Community Standards and Conduct Specialist, and he can be reached by calling extension 6810 or (719) 389-6810, emailing jisringhausen@ColoradoCollege.edu, or visiting Worner Center 207.
 - The College’s Deputy Title IX Coordinator for Employees is Kara Deschenes, and she can be reached by calling extension 6194 or (719) 389-6194, emailing kdeschenes@coloradocollege.edu or visiting Spencer Center, 109.
 - The College’s Deputy Title IX Coordinator for Athletics is Jessica Bennett, and she can be reached by calling extension 6336 or (719) 389-6336,

emailing jbennett@coloradocollege.edu or visiting El Pomar Sports Center, 316A.

ARE THE TITLE IX PROCEDURES FOLLOWED IN EVERY INSTANCE?

No. The Title IX grievance process does not apply when:

- (1) sexual misconduct does not meet Title IX’s definition of Title IX Sexual Harassment;
- (2) sexual misconduct—including Title IX Sexual Harassment—occurs outside the College’s education program or activity; or
- (3) sexual misconduct—including Title IX sexual harassment—occurs outside of the United States (for example, on a College-sponsored study abroad trip).

If the Title IX procedures do not apply, then either the alleged victim of sexual harassment or the College can choose to address the “**non-Title IX Sexual Harassment**” (alleged sexual misconduct) through the procedures outlined in the following policies:

- Gender-Based Discrimination, Sexual Harassment, and Sexual Violence Policy and Procedures, which can be accessed here: <https://www.coloradocollege.edu/basics/welcome/leadership/policies/gender-based-discrimination-sexual-harassment-and-sexual-violence-policy-and-procedures>; or
- Anti-discrimination Policy and Procedure, which can be accessed here: <https://www.coloradocollege.edu/basics/welcome/leadership/policies/anti-discrimination-policy-and-procedures>.

If neither policy’s procedures are invoked, the College may still pursue processing of the allegations of sexual misconduct through the student, staff, or faculty conduct procedures, which can be accessed here, respectively: [Students](#), [Staff](#), [Faculty](#)

WHAT DOES THE TITLE IX PROCESS LOOK LIKE?

When Title IX Sexual Harassment occurs in the College’s education programs or activities against a person in the United States, the College must follow a comprehensive procedure for processing complaints.

Filing of a Formal Complaint

Before the College investigates the allegations, the alleged victim must file a formal complaint, or, when appropriate, the College can file a formal complaint on the complainant’s behalf. Without a formal complaint, the College cannot investigate or discipline the respondent; rather, the College can only offer supportive measures to the complainant, which may include but are not limited to: counseling; extensions of deadlines or other course-related adjustments; modifications of work or

class schedules; excused absences; individualized supervision during passing periods or other unstructured times or activities; mutual restrictions on contact between the parties; increased security and monitoring of certain areas of the campus; and other similar measures. You have the right to meet with the Title IX Coordinator or Deputy Coordinator to discuss and develop supportive measures, but you are not obligated to accept the supportive measures.

Mandatory Dismissal

Once a formal complaint is filed, the Title IX Coordinator or Deputy Coordinator will assess whether the allegations in the formal complaint fall under the scope of Title IX. If they do not, the College must dismiss the formal complaint. If appropriate, the College may process the allegations in accordance with other applicable policies, such as the Gender-Based Discrimination, Sexual Harassment, and Sexual Violence Policy and Procedures or the Anti-Discrimination Policy and Procedures or the Community Standards and Conduct Procedures.

A decision to dismiss a formal complaint or any allegations therein can be appealed on the basis of a procedural irregularity that affected the outcome of the matter; newly discovered evidence that could affect the outcome of the matter; and/or the Title IX Coordinator or Deputy Coordinator or decision maker had a conflict of interest or bias that affected the outcome of the matter. Both the complainant and respondent are allowed to appeal.

Grievance Process

A formal complaint that is not dismissed will follow a “**formal grievance process**” or an “**informal resolution process**,” depending on the factual allegations and preferences of the parties. Regardless of the process the parties pursue, the parties may be accompanied by an advisor of choice through the process.

Formal Grievance Process

The formal grievance process requires the College to follow a strict investigative procedure. You have the right to written notice of the date, time, location, participants, purpose of investigative interviews, and sufficient time to prepare for such interviews. You also have the right to an impartial and unbiased investigation and resolution of the formal complaint. The investigators will collect evidence and interview the parties and witnesses. The investigators will also fairly summarize relevant evidence in an investigative report that both parties will have the chance to review and to respond to in writing.

After the investigative report is completed, the College is required to provide the parties a live hearing presided over by the decision maker. The College will hold the live hearing with the parties located in separate rooms with technology enabling the decision maker and parties to simultaneously see and hear the party or the witness answering questions.

At the live hearing, the decision maker will facilitate the exchange of questions between parties. Each party’s advisor (not the party) may ask the parties and witnesses relevant questions and follow-up questions, including questions challenging credibility. The decision maker will exclude

any questions that are not relevant. If a party does not have an advisor present at the live hearing, then the College must provide, free of charge, an advisor of the College's choice to conduct cross-examination on the party's behalf.

The decision maker will apply the preponderance of the evidence standard to determine whether a party is responsible for violating Title IX, and they will provide both parties with a written decision regarding their determination, including, when appropriate, remedies and sanctions, if a respondent is found responsible. Such remedies must be designed to maintain the complainant's equal access to the College's education programs and activities. Disciplinary measures may include a range of options, including those identified in the Gender-Based Discrimination, Sexual Harassment, and Sexual Violence Policy and Procedures, which can be accessed here: <https://www.coloradocollege.edu/basics/welcome/leadership/policies/gender-based-discrimination-sexual-harassment-and-sexual-violence-policy-and-procedures>, up to suspension, dismissal or removal of the respondent from campus. The parties can appeal this determination for the reasons stated above.

Informal Resolution Process

The College may offer an informal resolution process on a case-by-case basis after a formal complaint is filed. An informal resolution process will not involve a full investigation and adjudication. The informal resolution process will commence only if the College receives both parties' voluntary, written consent and the parties can discontinue the informal process at any time.

The College will determine, based on the circumstances, which informal resolution process is appropriate to resolve the formal complaint. Here are possible informal resolution processes:

- *Direct Communication.* The complainant may communicate directly, orally or in writing, with the respondent, and ask that person to cease the behavior. This informal procedure can be done with or without the involvement of any third party.

The Title IX Coordinator, Deputy Coordinator, or other designated official may facilitate communication with the responding party where the complainant should not communicate directly with the responding party.

- *Mediation.* The complainant and the respondent may discuss and attempt to resolve the matter informally with the assistance of a person the College designates as the mediator.
- *Other Processes.* Other informal resolution procedures may be available, including restorative justice.

OTHER CONSIDERATIONS

The Title IX regulations prohibit retaliation. Those involved in the Title IX grievance process can also expect that the College will keep the identity of the complainants, respondents, and witnesses confidential, except as required by law or as reasonably required to carry out a Title IX proceeding.

ADDITIONAL QUESTIONS?

Please understand this Notice is not a comprehensive overview of the Title IX grievance process but is meant to highlight the principles that are unique to the Title IX procedures. If you have additional questions about Title IX, please contact Title IX Coordinator or Deputy Coordinator identified above.