

COMMENTS RECEIVED ON PROPOSED NEW OR REVISED POLICIES

AP 2.03.01: Discrimination, Harassment, and Retaliation – Prevention and Complaint Procedures		
Date Comment Received	Comment	Response
4-24-25	<p>10.15.1 If a Complaint is against a Respondent who is both a Student and an Employee, the College will generally follow the Complaint process most applicable to the status of the Respondent when allegedly engaging in the majority of the allegations allegedly inappropriate conduct (e.g., either the Employee Handbook or the Student Code of Conduct), if different processes could apply.</p> <p>If a Complaint is filed against a Respondent who is both a Student and an Employee, the College will generally apply the process that aligns with the Respondent's primary role at the time of the alleged misconduct (e.g., the Employee Handbook or the Student Code of Conduct), if different procedures could apply.</p> <p>Review of All Sex- and Gender-Based Discrimination and Harassment Allegations by the Title IX Coordinator</p> <p>All reports or Complaints containing allegations of sex- or gender-based Discrimination or Sexual Harassment (even if those are not the primary forms of Discrimination or Harassment alleged) of conduct related to sex or gender (i.e. conduct with a sexual motive or related to the sex or gender of the people involved), regardless of whether that conduct is the primary form of Discrimination or Harassment alleged, must be reviewed by the College's Title IX Coordinator or designee to determine if the alleged misconduct meets the definition of Title IX Sexual Harassment (see Section 14.10). Allegations satisfying the definition of Title IX Sexual Harassment may only be investigated and resolved through the College's Title IX Sexual 21 Draft — 4-11-25 AP 2.03.01 Harassment process (see Section 14). Other areas of the College may not attempt to investigate or informally resolve complaints of sex- or gender based Discrimination or Sexual Harassment prior to a determination by the Title IX Coordinator (or designee) as to whether or not the complaint or situation falls within Title IX jurisdiction.</p>	<p><i>Note: It is hard to identify comments as some may be suggesting alternate language. Some of the cut-and-paste language includes both redline and strikeout text.</i></p> <p><u>Section 10.15.1</u> This proposal simplifies language and will be accepted.</p> <p>While this section identifies a general practice, the final decision would depend upon the actual allegations, severity, and whether Title IX Sexual Harassment is alleged.</p> <p><u>Section 13.2</u> Gender-based discrimination was, and remains, prohibited by College policy. The 2024 Title IX regulations expanded Title IX to apply to gender and several other characteristics. Those regulations were vacated by the Court, meaning they never existed. The Department of Education applies Title IX to sex-based discrimination, not gender-based discrimination.</p> <p>Gender-based discrimination remains prohibited at the College through Policy and, in certain circumstances, under federal law and regulation. The question that this section is addressing is a Title IX Sexual Harassment (Section 14 of this AP) review.</p> <p>All allegations that could be Title IX Sexual Harassment can only be addressed and resolved under the Title IX Sexual Harassment Process (Section 14). We understand that some students or employees may express what they believe may be sex-based harassment in terms of gender-based discrimination or harassment. This provision ensures that a Title IX Coordinator will assess the allegations and get the complaint or report into the appropriate resolution process.</p>

	<p>Review of All Sex- and Gender-Based Discrimination and Harassment Allegations by the Title IX Coordinator</p> <p>All reports or Complaints involving conduct related to sex or gender (i.e., behavior with a sexual motive or based on the sex or gender of those involved) must be reviewed by the College's Title IX Coordinator or designee—regardless of whether sex- or gender-based conduct is the primary allegation. The Coordinator will determine if the reported conduct meets the definition of Title IX Sexual Harassment (see Section 14.10). Allegations that meet this definition may only be investigated and resolved through the College's Title IX Sexual Harassment process (see Section 14). No other College office may investigate or informally resolve sex- or gender-based Discrimination or Sexual Harassment allegations before the Title IX Coordinator (or designee) has made this determination.</p> <p>14.18.2.2 Decisions by the Title IX Hearing Officer on alleged violations of this AP that do not constitute Title IX Sexual Harassment but were included in the Title IX Sexual Harassment resolution process pursuant to Section 14 of this AP are subject only to the Section 14 appeal process and are not subject to other appeal processes, must be appealed separately according to the policies and procedures applicable to the party appealing the decision (e.g., the Employee Handbook, the Student Code of Conduct) or the specific form of Discrimination or Harassment alleged (e.g., the College's disability-discrimination AP).</p> <p>Decisions by the Title IX Hearing Officer regarding alleged violations that do not meet the definition of Title IX Sexual Harassment, but were addressed through the Title IX Sexual Harassment resolution process (per Section 14 of this AP), are subject only to the appeal process outlined in Section 14. These decisions are not subject to any other College appeal process. If a party wishes to appeal a decision under another applicable policy (e.g., the Employee Handbook, Student Code of Conduct, or the College's disability-discrimination AP), a separate appeal must be filed according to that specific policy's procedures.</p>	<p>Section 14.18.2.2</p> <p>This suggestion appears to suggest bolding of some text. This suggestion could enhance recognition and understanding.</p>
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