

CIVIL RIGHTS/TITLE IX POLICY

Civil Rights/Title IX Policy and Complaint Procedure

Nondiscrimination Policy

Westmoreland County Community College will not discriminate in its educational programs, activities or employment practices based on race, color, national origin, sex, sexual orientation, disability, age, religion, ancestry, union membership or any other legally protected classification. Announcement of this policy is in accordance with state law including the Pennsylvania Human Relations Act and with federal law, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 503 and 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. Inquiries should be directed to the Affirmative Action Officer (presently Sylvia Detar) at 724-925-4190 or in Room 4100D, Westmoreland Business & Industry Center, Youngwood, PA 15697.

Scope of Procedure

Westmoreland County Community College has adopted an internal procedure providing for prompt and equitable resolution of complaints alleging discrimination, harassment and/or retaliation in violation of federal or state civil rights laws, including those laws enforced by the U.S. Department of Education, Office of Civil Rights. The departments of the Federal Government enforce the following laws that prohibit discrimination, harassment and/or retaliation in programs or activities that receive federal financial assistance:

- **Title VI** of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin.
- **Title IX** of the Education Amendments of 1972 (20 U.S.C. Section 1681, et. seq.) prohibits discrimination on the basis of sex/gender; including sexual misconduct, sexual harassment and/or sexual violence.
- **The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)** as amended by the Campus Sexual Violence Elimination Act (SaVE Act) prohibits sexual harassment, sexual misconduct and acts of sexual violence, including sexual assault, domestic violence, dating violence and stalking.
- **Violence Against Women Reauthorization Act of 2013 (VAWA)** which imposes new obligations under the SaVE Act including reporting requirement, student discipline and training for students and employees.
- **Sections 503 and 504** the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability.
- **Age Discrimination Act of 1975** prohibits discrimination on the basis of age.
- **Title VII** of the Civil Rights Act of 1964 (governed by U.S. Dept. of Labor), as it relates to employment.
- **Title II** of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination by public entities, whether or not they receive federal financial assistance).

This policy and procedures are available and applicable to all members of the college community:

- **Students**
- **Employees**
- **Trustees**
- **Guests**
- **Third Party Vendors**

Types of behavioral misconduct, on the basis of actual or perceived membership in a protected class, that are covered under this policy and procedures include, but are not limited to:

- **Bullying**
- **Discrimination**
- **Harassment**
- **Hazing**
- **Intimidation**
- **Sexual Misconduct Offenses:**
 - Sexual Assault
 - Sexual Harassment
 - Domestic Violence
 - Dating Violence
 - Sexual Exploitation
- **Stalking**
- **Cyber-bullying, cyber-stalking, cyber-harassment**

This procedure does not apply to Academic complaints, with the following exceptions:

- Complaint alleges that an academic decision was determined as a result of discrimination and/or harassment.
- Complaint alleges that an individual was denied participation in an academic program or activity due to discrimination and/or harassment.
- Complaint alleges that discrimination and/or harassment impacted or altered an individual's ability to perform academically.

Procedural Jurisdiction

This procedure applies to conduct that takes place in the following:

- All Westmoreland locations (inclusive of parking lots and grounds)
- Any activity that is sanctioned, organized or coordinated by the college, on or off campus, including but not limited to:
 - Clinicals, internships and externships
 - Community activities
 - Off-campus sites offering credit or noncredit classes and/or programs

Definitions

Complainant(s) is a person who is subject to alleged protected class discrimination, harassment or related retaliation.

Respondent(s) is a person whose alleged conduct is the subject of a complaint.

Bullying is defined as behavior which is inappropriate and unwelcomed harassment regardless of whether it occurs verbally or through other communication or physical contact that targets an individual or group because of characteristics about that group. Title IX bullying includes discrimination based on gender and/or sexual orientation. Bullying behavior may include any of the following forms and is not limited to these examples:

- Verbal abuse, such as the use of name-calling, using the targeted person or group as the butt of a joke or jokes, derogatory remarks, insults, maligning ridicule
- Inappropriate electronic communication, such as electronic mail, text messaging, voice mail, pagers, website, online chat rooms, and social media in a threatening, intimidating, or humiliating manner
- Verbal or physical conduct meant to threaten, intimidate, and/or humiliate the target individual or group
- Sabotage behavior (undermining) a target individual or group with regard to their work performance or efforts in attaining an education
- Implicit physical contact, which may include but is not limited to pushing, shoving, kicking, poking, tripping, assault, threats and damage to personal or work property.

Consent is defined as knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity. Previous relationships or consent cannot imply consent to future sexual acts. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior or coercion. If you have sexual activity with someone you know to be—or should know to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy. A person is incapable of giving consent if that person is under the age of consent (16 in Pennsylvania), incapacitated due to the influence of drugs and/or alcohol, or mentally disabled. Additionally, consent may be withdrawn during the course of a sexual encounter, such that the encounter would thereafter constitute sexual misconduct, if continued.

Dating Violence is defined as abusive behavior or pattern of abusive behaviors used to exert power and control over a dating partner. Whether such a relationship exists will be gauged by the length, type and frequency of interaction between the partners.

Discrimination is defined as actions that deprive members of the college community of educational, extracurricular (including athletics) or employment access, benefits or opportunities on the basis of their actual or perceived membership in a protected class.

Discrimination on the Basis of Sex is illegal under both federal and state law and is strictly prohibited by the College. Sex discrimination can be manifested by unequal access to educational programs and activities or employment on the basis of sex, unequal treatment on the basis of sex in the course of conducting those programs and activities, or, the existence of a program or activity that has a disparate impact on participation, improperly based on the sex of the participants.

Domestic Violence is defined as a felony or misdemeanor crime of violence committed by either a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of this jurisdiction receiving grant monies under VAWA, or by any other person against a youth victim or adult who is protected from that person's acts under the domestic or family violence laws of this jurisdiction.

Harassment is defined as acts of systematic and/or continued unwanted actions of one party or a group, including verbal abuse, threats and demands.

Intimidation is defined as implied threats or acts that cause an unreasonable fear of harm in another.

Reasonable Accommodation for students, defined as approved modifications of programs, appropriate academic adjustments, or auxiliary aids that enable them to participate in and benefit from all educational programs and activities, unless to do so would cause undue hardship.

Reasonable Accommodation for employees is defined as any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions, unless to do so would cause undue hardship.

Sexual Assault is defined as a person engaging in sexual intercourse or deviate sexual intercourse with another person without their consent; includes rape, fondling, grabbing someone sexually, sexual harassment, stalking, domestic and dating violence, and many other behaviors. Sexual assault is a forcible or non-forcible sex offense under the Uniform Crime Reporting System of the FBI. Under Pennsylvania law, sexual assault is a felony of the second degree and is defined as sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

Sexual Exploitation is defined as behavior that takes non-consensual or abusive sexual advantage of another for the abuser's advantage or benefit, or to benefit or advantage anyone other than the one being exploited, examples are, but not limited to:

- Prostituting another student;
- Non-consensual video or audio-recording of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide to watch you having consensual sex);
- Engaging in peeping behaviors
- Knowingly transmitting an STI or HIV to another student.

Sexual Harassment is defined as unwelcome, gender-based verbal or physical conduct that is sufficiently severe, pervasive and objectively offensive that unreasonably interferes with or deprives someone of educational or employment access, benefits or opportunities. Sexual Harassment is a form of sex discrimination that is illegal under both federal and state law and is strictly prohibited by the college.

Three types of Sexual Harassment:

1. **Hostile environment** includes any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.
2. **Quid pro quo** sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, and submission to or rejection of such conduct results in adverse educational or employment action.
3. **Retaliatory harassment** is any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct.

Sexual Violence is defined as a form of sex discrimination that is illegal under both federal and state law and is strictly prohibited by the college. Sexual violence is defined as physical sexual acts conducted either against a person's will or where a person is incapable of giving consent, including but not limited to, rape, sexual assault, sexual battery, sexual coercion, dating violence, domestic violence, stalking and sexual violence based on the intentional selection of a victim based on criteria related to the victim's national origin, ethnicity, gender identity, gender presentation, or sexual orientation.

Stalking is defined as engaging in a course of conduct or repeated acts directed at a specific person, which would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. For the purposes of the definition of stalking, "course of conduct" is defined as two or more acts including but not limited to acts in which the stalker directly, indirectly, or through a third party, by any action, device, method or means, follows, observes, monitors, surveils, threatens or communicates to or about a person, or interferes with a person's property. "Reasonable person" is defined as a reasonable person under similar circumstances and with similar identities to the victim. "Substantial emotional distress" means significant mental anguish or suffering that may, but does not necessarily, require medical or other professional treatment or counseling.

Guidance on Reporting a Complaint

Prompt reporting is encouraged, because facts often become more difficult to establish as time passes. The college will take prompt and appropriate action in response to all reports in order to end the conduct, prevent its recurrence, and address its effects. The ability of the college to take disciplinary action against the respondent is limited if the respondent is no longer a member of the college community. If the respondent is a staff member, faculty member, or student and leaves the college with a pending complaint, the respondent will not be permitted to return to the college until the complaint is resolved through this complaint procedure.

Due to the potential severe nature of discrimination and/or harassment issues, the complainant does not have to address the issue directly with the respondent and/or with the respondent's supervisor (if applicable), as the initial means of resolution.

Civil rights complaints can be submitted initially in the form of a verbal statement or written complaint. If the complaint progresses to a formal phase, a written statement will be required. If the complainant does not want to submit a written statement, the Civil Rights/Title IX Coordinator can prepare a statement of facts, which is approved by the complainant. A Complaint Form is available for written statements.

Students

Any student (credit or noncredit) can report misconduct (described above) directly to the vice president of Enrollment Management. Students can also report misconduct to the Civil Rights/Title IX Coordinator or any other Reporting Agent(s) named in this policy without fear of retaliation.

Employees

Any employee (faculty, staff or administrator) can report misconduct to their direct supervisor or the Director of Human Resources. Employees can also report misconduct to the Civil Rights/Title IX Coordinator or any other Reporting Agent(s) named in this policy without fear of retaliation.

Guests and Third Party Vendors

Any guest or third party vendor can report misconduct to the Civil Rights/Title IX Coordinator and/or to the Director of Human Resources directly.

Mandatory Employee Reporting Responsibility

All employees who are aware of any incidents of sexual misconduct or other potential civil rights violations are responsible for bringing any such complaints to the direct attention of the Civil Rights/Title IX Coordinator or to a Reporting Agent. In addition, designated responsible employees, to include deans, directors, coordinators, advisors, counselors, coaches and all members of Human Resources, Security and Student Services, have a duty to assist and inform complainants as to the following:

1. The availability of counseling services and appropriate referrals.
2. The complainant's reporting options, including the choice to decline notifying law enforcement authorities altogether.
3. The responsible employee's affirmative duty to appropriately report the incident to the Civil Rights/Title IX Coordinator.

The college is required to conduct a prompt, thorough, and impartial investigation of sexual misconduct and other civil rights violations regardless of whether or not a formal complaint is filed. Failure on the part of a college employee to report an incident can result in disciplinary action, up to and including termination.

Statement of Complainant's Rights

- To be treated with respect by college officials.
- Interim measures to prevent continued discrimination, harassment or retaliation, if deemed necessary.
- To be free from retaliation.
- To have complaints heard in substantial accordance with these procedures.
- To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible, and the rationale for the outcome where permissible.

Statement of Respondent's Rights

- To be treated with respect by college officials.
- To have complaints heard in substantial accordance with these procedures.
- To be free from retaliation.
- To be informed of the outcome/resolution of the complaint and the rationale for the outcome, in writing.

False Reporting

It is a violation of college policy to file a knowingly false or malicious complaint of an alleged civil rights violation. A false report will result in disciplinary action. A complaint filed in good faith under this provision will not result in disciplinary action.

Retaliation

Complainants who make good faith complaints are protected from retaliation pursuant to Title IX, VAWA and the Campus SaVE Act, this policy, and the college's Whistle-blower Policy. Any retaliation against an individual who has complained about sexual harassment or unlawful discrimination or sexual violence, to include sexual assault, stalking/cyber-stalking, bullying/cyber-bullying, dating violence or domestic violence, or retaliation against individuals for cooperating with an investigation of a complaint of sexual harassment, sexual violence, or unlawful discrimination, is a violation of this policy. Retaliation of respondents if also against this policy and procedure. Acts of retaliation need brought to the attention of the Civil Rights/ Title IX Coordinator and/or Reporting Agent(s) for further investigation.

Complainant Request for Confidentiality or No Action

If at any point the complainant requests that his/her name or other identifiable information be held confidential with respect to the respondent or decides not to pursue action by the college, the college will make all reasonable attempts to respond to the complaint consistent with the complainant's request. However, the college's ability to investigate and respond to the conduct may be limited. Recognizing that the college has a legal obligation to review all reports, the college will weigh the complainant's request against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same respondent, the college's commitment to provide a reasonably safe and non-discriminatory environment, and the rights of the respondent to receive notice and relevant information before disciplinary action is taken. If the college determines that it is necessary to proceed with the complaint procedure or implement other appropriate remedies, the complainant will be notified by the Civil Rights/Title IX Coordinator of the college's chosen course of action.

Information provided by college employees shall be shared with other college employees and law enforcement on a "need-to-know" basis.

Reporting Agents

The following Reporting Agents are designated as those persons who are charged with coordinating the college's implementation of this policy with the Civil Rights/Title IX Coordinator, and investigating complaints of unlawful discrimination, sexual misconduct, or retaliation for the college. They may be contacted to initiate an investigation under the policy and/or to answer questions regarding this policy. The college also reserves the right to retain an outside investigator(s) to investigate complaints regarding violations of this policy.

- Vice president of Enrollment Management
- Director of Human Resources

The complainant or the respondent might allege that the investigator has a substantial conflict of interest that might impair his/her ability to conduct a fair and impartial investigation of the allegations. In that event, details supporting the alleged conflict of interest must be submitted, in writing, to the Civil Rights/Title IX Coordinator within 5 days of receiving notice of the identity of the Reporting Agent. A determination will be made about the existence of a conflict of interest and, if such a conflict is found to exist, an alternative investigator will be appointed as expeditiously as possible. In the event that a request is made and an alternate investigator must be appointed, any specific timeline provided for in the complaint procedure shall be suspended pending the determination and/or appointment.

Reporting Agents' Contact Information

Title IX Coordinator

145 Founders Hall
Youngwood, PA 15697
Email: titleixcoordinator@wccc.edu
Phone: 724-925-4050

Affirmative Action Officer

145 Pavilion Lane
Youngwood, PA 15697
Phone: 724-925-4190

Contact for Student-Related Concerns

Vice President of Enrollment Management
145 Founders Hall
Youngwood, PA 15697
Phone: 724-925-4050

Contact for Employee-Related Concerns

Director of Human Resources
145 Founders Hall
Youngwood, PA 15697
Phone: 724-925-4079

Filing a Complaint

Anyone who believes that he or she has encountered unlawful discrimination, sex discrimination, sexual harassment, sexual bullying, sexual violence, domestic violence, dating violence, or stalking as prohibited by this policy is advised to preserve all evidence that may assist in proving the allegations of the complaint. Such evidence may also be helpful in obtaining a protective order if necessary. A complaint should be filed within 24 to 48 hours of the incident or knowledge of the incident. Within two business-days of receipt a complaint, the Civil Rights/Title IX Coordinator and/or Reporting Agents (as listed above) will determine if an investigation is needed.

Depending on the facts and circumstances of the specific complaint, the Civil Rights/Title IX Coordinator and/or Reporting Agents will immediately contact agencies and organizations to effect immediate relief, care, and support for the complainant and/or the victim in any given case including but not limited to:

1. The closest, competent health care facility
2. The Police Department and Campus Safety
3. A Student Support Referral
4. The Employee Assistance Program (EAP)
5. Available county victim services

As an immediate priority, care will be taken to ensure the safety and well-being of the complainant and/or victim, and to exercise all precautionary measures to prevent a repeat of the alleged incident of sexual misconduct. Accordingly, interim measures such as a temporary suspension, may be implemented pending a hearing on the matter. The Civil Rights/Title IX Coordinator and/or Reporting Agents will inform the complainant in a case of sexual violence, dating violence, domestic violence, sexual assault or stalking, of the right to file a criminal complaint with the authorities.

Investigation

The Civil Rights/Title IX Coordinator and Reporting Agents will enable a prompt, fair and impartial investigation into any allegation of unlawful discrimination, sexual misconduct or retaliation, by trained investigators, so as to enable a prompt and equitable response under all circumstances and in a fair and expeditious manner. The investigation will be completed within fifteen business-days of receipt of the complaint by a trained and designated investigator for the college, unless the time-frame must be extended for good cause by the Civil Rights/Title IX Coordinator. The designated investigator will allow the parties to present witnesses and other evidence during the investigation. The investigation will continue whether or not the complaint is also being investigated by another agency or law enforcement unless this investigation would impede law enforcement's investigation. If the investigation is suspended during an investigation by law enforcement, the college will implement interim steps to protect the complainant and/or victim's safety.

This procedure gives an overview of the manner of investigating complaints, but point should be taken that not all complaints are of the same complexity or severity. For this reason, the procedures are flexible, not exact since situations can vary, but there will be a priority to be consistent with similar situations.

Process following the investigation will be dependent upon the determination of the investigation, as follows:

1. A decision not to pursue the allegation due to the lack of or insufficient evidence. The matter will be closed.
2. A decision on the complaint for an informal or administrative resolution, particularly in uncontested allegations.
3. A decision to proceed with a formal hearing.

Conclusion of an Investigation with an Administrative Resolution

Upon completion of the investigation, the individual(s) who made the complaint and the individual(s) against whom the complaint was made will be simultaneously be advised of the results of the investigation in writing and, where a remedy is determined to be appropriate, to inform the parties of the steps that will be taken to remedy the situation. Any case of discrimination, sexual harassment or retaliation, or sexual misconduct will be referred to the appropriate administrative division's Vice President for further prompt and equitable proceedings, commensurate with the recommendation and findings of the resulting from the investigation.

The entire process, from complaint to recommendation for resolution prior to any appeal, should be conducted in a prompt and equitable manner, and should be completed no later than forty-five days from receipt of a complaint. Extensions may be granted under extenuating circumstances, upon review by the Civil Rights/Title IX Coordinator. All actions taken to investigate and resolve complaints through this procedure shall be conducted with as much privacy, discretion and confidentiality as possible without compromising the thoroughness and fairness of the investigation. All persons involved are to treat the situation with respect. To conduct a thorough investigation, the investigator(s) may discuss the complaint with witnesses and those persons involved in, or affected by, the complaint, and those persons necessary to assist in the investigation or to implement appropriate disciplinary actions. For purposes of Clery Act reporting and recordkeeping, the complainant's personal identifying information will not be disclosed.

Formal Hearing Requirement for Sexual Violence Allegations

In accordance with Title IX and VAWA, sexual violence allegations between any two parties will require a formal hearing. Both parties will have the right prior to the hearing to review all evidence and investigative reports beforehand, to have a support person/advisor present, and to present their version of the facts and circumstances surrounding the alleged incident of sexual misconduct. Care will be taken to preserve the rights of complainants to privacy without sacrificing the rights of respondents to due process. The Civil Rights/Title IX Coordinator will conduct a hearing based on the alleged incident(s) of sexual violence and a determination of culpability will rest on the evidence presented and reviewed, using a "preponderance of the evidence" (i.e. more likely than not) standard of proof. Formal hearings for incidents involving students will follow judicial procedures used by Student Services. Formal hearings for employees will follow procedures established by Human Resources.

Disciplinary Action

In the event that the investigation reveals that discrimination, sexual harassment, sexual violence, dating violence, domestic violence, sexual assault, stalking, discrimination based on sex, retaliation or other inappropriate or unprofessional conduct (i.e. sexual bullying) (even if not unlawful) has occurred, further action will be taken, including disciplinary action, such as but not limited to reprimand, change in work assignment, loss of privileges, mandatory training or suspension, and/or immediate termination. If it is determined that inappropriate conduct has occurred, the college will act promptly to eliminate the offending conduct and where appropriate, the college will also impose disciplinary action. The college will take steps to prevent the recurrence and remedy the effects of any sexual misconduct by taking the appropriate action, which may, depending upon the circumstances, include but not be limited to, disciplinary action, reprimand, change in work assignment, loss of privilege, mandatory training or suspension, expulsion and/or immediate termination.

The outcome and sanctions of a civil rights investigation can become part of the educational record or the employment record of a respondent. This information will not be further released or disclosed except to the extent required or authorized by applicable law.

Circumstances under which such information may be released or disclosed include, but are not limited to, the following:

- Complainants in sexual misconduct and sexual harassment incidents have an absolute right to be informed of the outcome and sanctions of the hearing, in writing, without condition or limitation for students and/or employees
- The college may release publicly the name, nature of the violation and the sanction for any respondent who is found in violation of a college policy that constitutes a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/ vandalism of property and kidnapping/abduction.

Possible Sanctions

Possible Sanctions for Student Respondents

Warning: A formal statement that the behavior was unacceptable and a warning that further infractions of any college policy, procedure or directive will result in more severe sanctions/responsive actions.

Probation: A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any college policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-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 at college. This sanction will be noted as a Suspension on the student's official transcript.

Expulsion: Permanent termination of student status, revocation of rights to be on campus for any reason or attend college-sponsored events. This sanction will be noted as an Expulsion on the student's official transcript.

Withholding Diploma: College 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 a complaint pending or as a sanction if the student is found responsible for an alleged violation.

Organizational Sanctions: Deactivation, de-recognition, loss of all privileges (including college registration), for a specified period of time.

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

Possible Sanctions for Employee Respondents

Warning

Required Training

Job Reassignment

Suspension with or without Pay

Termination

Other Actions

Appeal

Either the complainant or respondent may file an appeal of any decision concerning the resolution of an investigation related to this policy. An appeal by either party must be made in writing to the office of the Civil Rights/Title IX Coordinator within fifteen days of receipt of the notice of resolution of the matter. The written appeal must state, in detail, the reason(s) for the appeal and shall address one or more of the following:

- If the appeal alleges that the findings of the investigator included relevant factual errors or omitted relevant facts, the appeal shall specify each factual error and/or details of each relevant fact that was omitted from the investigation.
- If the appeal alleges substantive procedural errors, the person appealing shall identify each instance of said substantive procedural error.
- If the appeal alleges relevant or substantive issues or questions concerning interpretation of college policy, the person appealing shall state, in detail, the issues or questions supporting this allegation.
- If the appeal alleges that new information or evidence exists, the appeal shall specify the reason why this information was not available or not provided to the Investigator during the course of the investigation, including the reason why the information could not have been provided on a timely basis.
- If the appeal alleges either that action or inaction of the supervisor in response to the findings of the investigation will not prevent future violations of this policy, the person appealing will specify, in detail, the reason(s) and basis for this allegation.

No disciplinary or other action based upon the original complaint findings shall be taken against the respondent during the appeals process, although temporary, interim measures may remain in place. The appeal process will be conducted in an impartial manner by an impartial decision-maker. The entire process, from complaint to notification of resolution and appeal, shall not exceed 60 days.

Time Frame

The college seeks to fully resolve all reports within sixty days of the initial report. Extenuating circumstances may arise that require the extension of time frames, including extension beyond sixty days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, or other unforeseen circumstances. In the event that the process exceeds these time frames, the college will notify the complainant and respondent of the reason(s) for the delay and the expected adjustment in time frames. Timelines set forth herein may also be extended upon mutual agreement of the parties.

Education and Training

The college is committed to ensuring both preventive and responsive training and relevant educational opportunities for all members of the college community in the area of unlawful discrimination and sexual misconduct.

In the area of responsive education and training, the college is committed to ensuring that all college personnel designated as investigators, counsellors and adjudicators in the area of unlawful discrimination and sexual misconduct will receive specialized and regular training, and will be cognizant of the special needs of complainants, while also ensuring the rights of respondents.

The college has a dedicated webpage on its website to address concerns related to unlawful discrimination and sexual misconduct and will contain relevant information regarding the college's policies, procedures, information updates and ongoing training opportunities for the college community with respect to information on the various areas of unlawful discrimination and sexual misconduct, opportunities for community assistance, and the resources available in the event of unlawful discrimination and sexual misconduct.

Documentation

The college shall maintain documents related to complaints under this procedure as required by law. The Civil Rights/ Title IX Coordinator shall be primarily responsible for records related to all civil rights complaints.

Reporting Options Outside of the College

The college's complaint procedures are administrative in nature, and are separate and distinct from the criminal and civil legal systems. The college encourages individuals to pursue whatever remedies are available to them, through internal or external complaint resolution processes. The following external agencies may also receive and investigate complaints of civil rights violations:

PA Human Relations Commission (PHRC)
Pittsburgh Office
300 Liberty Ave, Pittsburgh, PA 15222
412-565-5395

Office for Civil Rights
U.S. Department of Education Headquarters
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
| Facsimile: (202) 453-6012 TTY#: 800-877-8339
| Email: OCR@ed.gov | Web: <http://www.ed.gov/ocr>

Equal Opportunity Employment Commission (EEOC)
Pittsburgh Office
William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA 15222
1-800-669-4000

Reporting to the Police

In cases involving potential criminal misconduct, the college encourages individuals to report the conduct to the law enforcement agency that has jurisdiction over the location where the incident occurred. If the conduct is reported to the college, the individual will be informed of his or her option to also report any potential criminal activity to the police. Members of the college Security Offices are available to assist the complainant in contacting the police.

The procedures described above will apply to all complaints involving students, staff or faculty members (with the exception that unionized or other categorized employees will be subject to the terms of their respective collective bargaining agreements to the extent those agreements do not conflict with federal or state compliance obligations). Redress and requests for responsive actions for complaints brought against non-members of the community, such as guests and third party vendors, are also covered by these procedure