



DIVISION II. College Employees	PROCEDURE NUMBER 2.01.19.02 [1]
CATEGORY 2.01.19.02 Title IX Grievance Process	DATE Adopted: 03/2021

The administration reserves the right to amend or otherwise revise this document as necessary to reflect future changes made to its procedures. You are responsible for reviewing this procedure periodically to ensure continued compliance with all Board policies and institution procedures.

2.01.19.02 **TITLE IX GRIEVANCE PROCESS**

Reports of Sexual Discrimination and/or Sexual Harassment

Reports of sexual discrimination and/or sexual harassment can be made in multiple ways, including reporting directly to the Title IX Coordinator, a Title IX Deputy, Human Resources, or Campus Police as described in Board Policy 2.01.19 Prohibition of Sexual Harassment Title IX.

In order for a report to be managed through the Title IX process, it must meet the criteria as defined and must be presented as a formal, signed complaint to the Title IX Coordinator, a Title IX Deputy, Human Resources, or any individual with the authority to institute corrective measures on behalf of JJC (also referred to as Responsible Employees). Upon the receipt of the complaint, the Title IX Coordinator must make a preliminary review to determine whether the complaint meets the threshold of Title IX and will determine which process will be followed.

Upon the receipt of a complaint, supportive measures will be offered to both parties. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures, as outlined in Institutional Procedure 2.01.19.00 Prohibition of Sexual Harassment Title IX.

If the Title IX definition of sexual discrimination and harassment is not met, if the jurisdiction does not meet the definition for Title IX, or if the complaint is not presented as a formal complaint, the Title IX Coordinator must dismiss the allegation as a Title IX complaint as outlined in Institutional Procedure 2.01.19.00 Prohibition of Sexual Harassment Title IX. However, this does not preclude the allegations from being investigated or addressed through other College procedures, including Board Policy 2.01.01 Prohibition of Sexual Discrimination, Harassment and Interpersonal Misconduct (Non-Title IX Allegations).



PROCEDURES

DIVISION II. College Employees	PROCEDURE NUMBER 2.01.19.02 [2]
CATEGORY 2.01.19.02 Title IX Grievance Process	DATE Adopted: 03/2021

If the complaint meets the thresholds defined by Title IX, the complaint will be addressed through the Title IX process. During this process, the Title IX Coordinator and all investigators will be committed to treating all parties equitably and will prohibit any conflicts of interest throughout the process. The Title IX Grievance Process will provide for a prompt and equitable resolution of student and employee complaints alleging any action prohibited by Title IX in compliance with federal and state law. Retaliation against any person for participating in an investigation regarding alleged discrimination and/or harassment is strictly prohibited.

Notifications

Upon the receipt of a formal complaint that meets the Title IX standards, the Title IX Coordinator will assign an investigator and will send a notice of allegations to both parties. The notice will outline the allegations, the ability to be accompanied by an advisor, a statement regarding the standard of proof and presumption of non-responsibility, and other applicable information related to the process.

Investigation

The assigned investigator will be selected from trained investigators at the College or from an approved outside agency in cases where it is deemed necessary. The role of the investigator is to collect evidence, conduct interviews, and provide a notice of investigative evidence to each party upon the completion of interviews, allowing sufficient time (10 business days minimum) for a written response.

The burden of proof is on the College to determine whether there is conduct which violated College policy, state and/or federal law. The respondent will be presumed to be not responsible throughout the process until the completion of the Title IX process. The investigator is obligated to gather evidence from all parties, as well as law enforcement or any other reasonable sources. Both parties will have equal opportunity to provide information, present witnesses (including fact or expert witnesses), review the evidence, and be accompanied by an advisor to all meetings.

Upon the completion of the investigation and the review of any written responses from parties, the investigator will create an investigation report that is sent to the Title IX Coordinator. The investigator does not rule on the case. All information compiled,



PROCEDURES

DIVISION II. College Employees	PROCEDURE NUMBER 2.01.19.02 [3]
CATEGORY 2.01.19.02 Title IX Grievance Process	DATE Adopted: 03/2021

including the final report, that will be used in the hearing will be provided to both parties a minimum of 10 business days in advance of the hearing and will provide time to allow for a written response and/or preparation by both parties. *The report will not determine responsibility or make judgements beyond credibility assessments.*

Hearing

Upon the submission of the report and evidence to the parties, a hearing date and hearing panel will be assigned. Joliet Junior College will select a Hearing Officer, who could be from outside of the College, and two panel members from inside the College to preside over the hearing. The Title IX Coordinator will provide the parties the name of the Hearing Officer no later than five (5) business days in advance of the hearing. The Hearing Officer will conduct the hearing, rule on the applicability of questions or evidence, and will issue the notice of determination at the conclusion of the hearing. The panel members will participate in the hearing process, ask questions as allowed, and provide feedback to the Hearing Officer related to the determination and any sanctions. A Hearing Officer will not accept the assignment and/or will recuse themselves from the process if there is an identified conflict of interest. Both parties have the right to request a substitution of the appointed Hearing Officer or panel members if a party can demonstrate that the participation of the appointed individuals poses a conflict of interest. Objections to the Hearing Officer must be raised in writing, detailing the reason(s) for the objection, and must be submitted to the Title IX Coordinator not later than two (2) business days prior to the hearing.

The hearing must be conducted live and in real-time. There is a provision for separate rooms or video, but both parties must be able to see, hear and respond in real time during the hearing. Hearings must be recorded or transcribed, in accordance with the regulations. An audio or audiovisual recording, or transcript, will be made available after the hearing for both parties to inspect and review.

During the hearing, evidence will be presented and witnesses may be called to provide their testimony regarding the allegations. The Hearing Officer will clear each question prior to response, in accordance with the regulations. Questions related to the sexual disposition or prior sexual behavior will be excluded unless ruled to be relative to the allegation by the Hearing Officer. All evidence directly related to the investigation will be considered in accordance with state and federal rape shield protections, as defined by law.



PROCEDURES

<p>DIVISION II. College Employees</p>	<p>PROCEDURE NUMBER 2.01.19.02 [4]</p>
<p>CATEGORY 2.01.19.02 Title IX Grievance Process</p>	<p>DATE Adopted: 03/2021</p>

If a question is excluded, the Hearing Officer will provide a rationale. During the hearing, both parties, as well as witnesses, will be subject to cross-examination in real time with relevant questions and follow-up questions by the other party’s advisor, if any. Parties may not cross-examine each other directly. Any party that does not submit to cross-examination at the live hearing will waive their right to have any statement considered by the decision-maker in a determination of responsibility. There are no limits to the types and amounts of evidence offered, except that it must be relevant and in alignment with rape shield protections. In general, the Hearing Officer will not consider statements of personal opinion or statements as to any party’s general reputation for any character trait as relevant unless the issue is raised and evidence of such character trait is necessary.

Both parties are entitled to be accompanied by an advisor of their choice at the live hearing. The advisor will be responsible for conducting cross-examination of the opposing party and any witnesses during the live hearing. If a party does not have an advisor who is available to conduct cross-examination at the live hearing, then the College will provide an advisor of the College’s choice, free of charge, to conduct cross-examination at the hearing.

Determination

Upon the conclusion of the hearing, the Hearing Officer will objectively evaluate all relevant and reasonably available evidence, both exculpatory and inculpatory, in conjunction with the input of the hearing panel members. The evidence must be sufficient to reach a determination. Determinations will be made using the preponderance of evidence standard. Preponderance of evidence refers to, when considering all the evidence in the case, the proposition on which such party has the burden of proof is more probably true than not true.

The Hearing Officer will issue the notice of determination regarding responsibility to both parties simultaneously. The written determination will include all elements required by the regulations, including but not limited to the statement of allegations, procedural steps, findings of facts that support the determination, the determination on each allegation regarding responsibility and any sanctions or remedies, and the permissible bases for appeal.

The determination will be in a reasonably prompt timeframe, generally no greater than 15



PROCEDURES

DIVISION II. College Employees	PROCEDURE NUMBER 2.01.19.02 [5]
CATEGORY 2.01.19.02 Title IX Grievance Process	DATE Adopted: 03/2021

business days after the conclusion of the hearing. In a case where there is a temporary delay for cause, that delay will be communicated to both parties. The determination will include information related to the appeal process, available to both parties, as outlined in Institutional Procedure 2.01.19.03 Title IX Appeal Process.

All records, as defined by the regulations, must be created, retained, and available to both parties for a minimum of seven years.