



<b>DIVISION</b>	<b>ADOPTION DATE</b>
II College Employees	12/2020
<b>PROCEDURE NAME</b>	<b>REVISIONS</b>
02.01.19.00 Prohibition of Sexual Harassment (Title IX)	Revised: 09/2021

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

02.01.19.00      PROHIBITION OF SEXUAL HARASSMENT (TITLE IX)

**Purpose**

The United States Secretary of Education amended the regulations implementing Title IX of the Education Amendments of 1972 (Title IX) to be effective August 14, 2020. The final regulations specify how recipients of Federal financial assistance covered by Title IX, including postsecondary institutions must respond to allegations of sexual harassment consistent with Title IX’s prohibition against sex discrimination. The regulations are intended to effectuate Title IX’s prohibition against sex discrimination by requiring colleges to address sexual harassment as a form of sex discrimination in education programs or activities. JJC is committed to adhering to the regulations through Board Policy 2.01.19.00 Prohibition of Sexual Discrimination and Sexual Harassment (hereafter referred to as the Title IX process) and all related procedures.

Any allegations that do not meet the standards outlined in the Title IX regulations will be investigated and addressed through Board Policy 2.01.01 Prohibition of Sexual Discrimination, Harassment and Interpersonal Misconduct (Non-Title IX Allegations). These procedures have been developed to implement the Title IX reporting, investigation, appeals, and related processes in accordance with federal and state laws.

The purpose of this procedure is to provide an overview of the reporting process and additional elements of the Title IX process that are described in more detail in corresponding procedures.

**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 2.01.19.00 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. 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. Supportive measures include non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access for all parties to their educational program or employment without unreasonably burdening the other party and to protect the safety of all parties, and to deter sexual harassment. Interim suspensions for students are only allowed as a supportive measure in the case that an immediate threat to the physical health and safety of any student justifies removal. In these limited situations, the respondent would be provided notice and the ability to respond and challenge the decision immediately following the removal, in accordance with the federal regulations. In cases involving employees, an employee may be placed on administrative leave pending an investigatory or grievance process in accordance with Board Policy and any applicable collective bargaining agreements.

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. This includes reluctant reports, bystander reports, and anonymous reports. 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).

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, as outlined in Institutional Procedure 2.01.19.02 Grievance Process (Title IX), 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. The respondent will be presumed to be not responsible throughout the process until the completion of the Title IX process. The burden of proof is on the College to determine whether there is conduct which violated College policy, state and/or federal law.

Throughout the Title IX process, there is no “gag order” for either party, including seeking out supportive witnesses or other evidence. If either party has concerns about the process or feels there is a potential conflict of interest, they may report this to the Title IX Coordinator or to the Executive Director of Diversity, Inclusion, Equity, and Compliance at 815-280-2737.

All parties have the right to have an advisor, as defined by Institutional Procedure 2.01.19.01 Advisors (Title IX). Advisors may be provided by the institution and will be limited to the role as defined by the procedures. All parties must have an advisor during the hearing process for cross examination. All institutionally provided advisors will receive training related to Title IX policy and procedures, as well as the role of an advisor in this process. Advisors not provided by the institution will be provided with information related to the role of an advisor in this process and will be expected to abide by this role in all Title IX processes. An advisor may be present at all meetings, interviews, and discussions during the Title IX process.

The parties may choose to participate in an informal resolution process instead of a formal investigation. Both parties must receive written notice and both parties must agree to the process. The informal resolution process, led by a trained facilitator, allows parties to discuss, negotiate, and potentially resolve the complaint. Any time prior to agreeing to a resolution, the parties have the right to withdraw from the informal process and resume the formal grievance process.

If the parties do not reach agreement on the outcome during the informal process, then the College will resume the grievance process with respect to the complaint.