



OREGON COLLEGE *of* ORIENTAL MEDICINE

Discriminatory Harassment, Sexual Misconduct, and Retaliation Policy

Updated June 2021

I. INTRODUCTION

Oregon College of Oriental Medicine (OCOM or “the College”) is committed to maintaining environments that enable a free and diverse community in which students, faculty (including teaching assistants), and staff can learn, work, and express themselves. Membership in the OCOM community imposes obligations on students, faculty, and staff to respect the dignity and autonomy of others and to treat one another civilly and without regard to factors irrelevant to participation in the life of the College.

This policy details and explicitly prohibits specific forms of harassment and encourages the reporting of these prohibited behaviors. OCOM will work to prevent them and their recurrence, and to correct any discriminatory effects on a complainant or others.

Except as otherwise specified herein, this policy applies to faculty, staff, students, and agents of the College while in their representative role. It also applies to patients, visitors, contractors and subcontractors, as well as to any other person who participates in or benefits from OCOM programs and activities, including academic, educational, extracurricular, and workplace programs and activities, and to any person using OCOM premises. This policy applies to any activities that occur at OCOM facilities, sponsored events, remote clinic facilities and other partner facilities.

OCOM acknowledges and intends to comply with its legal responsibilities in all its programs and activities. This policy is required by, and is as a whole intended to be consistent with, Title IX of the Education Amendments of 1972, 34 CFR Part 106 and Oregon HB 3415. OCOM also acknowledges and intends to comply with its legal responsibilities under federal or Oregon law, including the reporting responsibilities of the Clery Act, 34 CFR 668.46. If any provisions of this policy are contrary to or interfere with any applicable law, that law will supersede the inconsistent policy provisions. Behavior violating this policy may also separately violate federal, state, or other law; it may also violate other policies of the College.

II. USE OF A REASONABLE PERSON STANDARD

The College will use a “reasonable person” standard when applying the definitions herein and in investigating reports and complaints of violations of this policy, both in determining facts and in assessing culpability.

A “reasonable person” is a hypothetical person who is level-headed and rational, aware of community norms, and not under the influence of a judgment-impairing substance. For example, since the standard is referred to in the definition of prohibited discriminatory harassment, parties investigating a report or formal complaint of discriminatory harassment will use the reasonable person standard by assessing the situation from the perspective of a reasonable person as defined above to decide if the behavior constitutes a violation of this policy. As another example, parties may use the reasonable person standard when assessing whether a reasonable person in the same context as the respondent would believe that they had consent in that context.

III. GENERAL DEFINITIONS USED IN THIS POLICY

For purposes of this policy, certain terms are defined in a specific way. The following definitions apply where the defined terms are used in this policy, regardless of whether the terms have a different meaning in other contexts.

Agents of the College: Individuals serving as official representatives for the College in any unpaid or paid capacity.

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Faculty/Faculty Member: A member of the teaching or research staff who holds an academic appointment,

including teaching assistants (TAs), those on visiting appointments, and those on sabbatical or leave. It also includes visiting scholars and emeriti faculty who are teaching or who have an office on campus.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Staff: Individuals employed by OCOM who are not members of the faculty.

Student: An individual who is currently enrolled, registered, on leave of absence, or has made arrangements with the Business Office to pay tuition and fees.

Responsible Employee: All employees, faculty, staff, teaching assistants and others employed by the College in an official capacity are considered responsible employees. Responsible employees are required to inform the Title IX Coordinator (or their designee) of any potential violation of this policy. NOTE: OCOM's Counselor and any clinical supervisor who is actively treating an individual when the potential violation is mentioned, is not considered a responsible employee. The patient-practitioner relationship takes precedent.

IV. CONSENT AND SEXUAL MISCONDUCT

Sexual misconduct is defined as any non-consensual sexual contact or act that violates the rights of another. Sexual misconduct typically involves acts that are severe, persistent and pervasive, but also may be a one-time occurrence. Examples of sexual misconduct include non-consensual sexual contact, non-consensual sexual intercourse, sexual assault, domestic violence, dating violence, intimate partner or relationship violence, sexual exploitation, bullying, stalking, cyberbullying, and sexual harassment. The following definitions will apply to this policy.

V. CONSENT

Consent is defined here as conscious, relevantly informed, and fully voluntary agreement to, or permission for, an act. The following points should be emphasized:

- To consent is to actively agree to, or actively give permission for, something. Though this may require explicit verbal discussion, especially in unfamiliar situations, consent can be communicated nonverbally, especially in the space of mutual recognition created by a stable, ongoing relationship. To consent is not to be in a passive state.
- Silence or inaction do not, in and of themselves, communicate consent. The absence of an explicit denial of consent does not constitute consent.
- Consent to one form of sexual activity does not by itself constitute consent to any further sexual activity.
- A person's consent to an ongoing activity can be removed by that person at any time.
- Previous or ongoing sexual relationships or encounters do not in themselves constitute consent to any current sexual acts.
- Consent cannot be forced or coerced; agreement or permission due to threat, implied threat, or intimidation does not constitute consent.
- A person who is incapacitated — whose judgment is seriously impaired by alcohol, other drugs, or other factors, such as lack of sleep — cannot give consent.

Oregon State law considers persons under the age of 18 to be "incapable of consenting to a sexual act" (ORS §163.315) and states that if lack of consent is solely a result of the age of the victim, it is a defense to certain crimes that the actor was less than three years older than the victim at the time of the alleged offense (ORS § 163.345).

VI. PROHIBITED CONDUCT

Sexual Harassment

Federal Title IX has three types of sexual misconduct that make up the definition of sexual harassment.

1. Any instance of quid pro quo by an employee of the College. This includes an employee conditioning education benefits on the participation of unwelcome sexual conduct.
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity.
3. Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA). These definitions are listed below.

Oregon State law defines sexual harassment as unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature where such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance or it has created an intimidating, hostile or offensive environment and would have such an effect on a reasonable person.

Sexual Assault

Federal Title IX defines sexual assault as any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. It includes:

- Rape: Penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary or permanent mental capacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the age of consent (18 years old).

Oregon State law defines sexual assault as any unwanted sexual contact. Sexual contact means any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.

Sexual Exploitation

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another person for their own advantage or benefit, or for the benefit or advantage of anyone else. Sexual exploitation includes but is not limited to:

- Non-consensual video or audio-recording of sexual activity, or allowing a third party to observe consensual sex without all parties' knowledge of and consent to that observation.
- Prostituting another member of the College community.
- Sharing, without consent, sexually explicit images of another member of the College community (including sharing images obtained consensually but shared without consent of the person(s) in the image).
- Obtaining, owning, or sharing sexually explicit images of a minor.
- Engaging in watching or otherwise recording a person for one's own sexual gratification when that person is in a place where they would have a reasonable expectation of privacy.
- Knowingly endangering the health of another person by exposing them to a sexually transmitted infection (STI) or HIV/AIDS without notifying that person in advance.
- Non-consensual exposure of one's genitals or inducing another to engage in such exposure, or other acts of nudity, when these acts interfere with or limit a person's ability to participate in or benefit from the College's programs and activities.

Dating Violence

Dating violence is the use of violence and abuse to exert power and control over a current or former partner. Actions covered include physical, physiological, emotional, sexual, and digital abuse. The actions often escalate over time. Digital abuse is the use of technology to intimidate, harass, or isolate a victim.

Domestic Violence

Domestic violence as defined by the Violence Against Women Reauthorization Act of 2019 "means a pattern of behavior involving the use or attempted use of physical, sexual, verbal, emotional, economic, or technological abuse or any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, by a person who is a current or former spouse or dating partner of the victim." This also includes those currently or previously cohabitating, who share a child, who is an adult relation to or paid or unpaid caregiver for a victim 50 and older or one with disabilities, and those who commit acts against a youth or adult who is protected under applicable family or domestic violence laws.

Oregon State law defines domestic violence (which includes teen dating violence) as abuse between family or household members. Family or household members means spouses, former spouses, adult persons related by blood or marriage, persons cohabiting with each other, persons who have cohabited with each other or who have been involved in a sexually intimate relationship, unmarried parents of a minor child. Teen dating violence means

a pattern of behavior in which a person uses or threatens to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 12 to 19 years of age.

Stalking

Federal Title IX defines stalking as involving a pattern of repeated and unwanted attention, harassment, and contact that could be reasonably regarded as likely to cause fear. This includes cyber-stalking through the use of the internet, cell phones, social media, or other similar communications.

Oregon State law defines stalking is when a person knowingly alarms or coerces another person or a member of that person's immediate family or household by engaging in repeated and unwanted contact with the other person; it is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and the repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household.

VII. RETALIATION

Retaliation is prohibited by federal and state law and by this policy. No one at the College may reprimand, retaliate, take any adverse action, or discriminate against an individual for having opposed unlawful conduct, initiated a report or complaint, provided information as a witness, or participated in the resolution of a report or complaint regarding potential violations of this policy.

Acts may be retaliatory if they reasonably act as, or could act as, a deterrent to further protected activity, for example, by

- disadvantaging or restricting a person in that person's status as a student, employee, patient, or visitor or in the ability to gain benefits or opportunities available at the College;
- precluding a person from pursuing discrimination claims;
- ostracizing a person who has complained or participated as a witness or otherwise;
- pressuring someone to drop or not support a complaint or to provide false or misleading information; or
- adversely altering the educational or work environment of someone who has complained or participated in the complaint process.

VIII. REPORTING

Reporting to the Portland Police is NOT required of any victim of sexual assault, or domestic or interpersonal violence — with the exception of child or elder abuse. However, reporting to the Portland Police is always an option.

Any reports of sexual misconduct towards or of a minor MUST BE REPORTED directly to the Title IX office and/ or the Portland Police Bureau immediately. There are no exceptions to this policy. The Portland Police Bureau's non-emergency phone number is: 503-823-0000.

On-Campus Reporting Options:

Any OCOM community member who believes that they are being or may be subjected to sexual harassment, discrimination, or misconduct in violation of this policy should immediately report it to any one of the following: Title IX Coordinator or Deputy Coordinators, their immediate supervisor or a member of campus administration. Reports can also be filed online at <http://www.ocom.edu/titleix>.

The following are recommended elements of a report:

- Clear and concise description of the alleged incident(s) (e.g., when and where it occurred);
- Any supporting documentation and evidence;
- Clear demonstration of all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor;
 - This includes names, dates, and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort;
- If contacting the person involved and/or the supervisor is impracticable, the reporting party should state the reasons why;
- The desired remedy sought;
- Name and all contact information for the reporting party;

- Signed (or submitted online) by the reporting party.

Information should not be shared with ANY department, faculty, or administrator unless requested by the student or determined by the Title IX Coordinator. Upon receipt of the report, the Title IX Coordinator will determine if there is a campus safety issue and act accordingly, as well as determine next steps of action.

Reporting is not the same as filing a formal complaint (though, for some purposes, a formal complaint may function both as a report and a formal complaint). This and the following three sections give additional information on reporting an incident, how to proceed with informal or formal complaints, and considerations of amnesty and confidentiality.

All reports will receive prompt attention. In response to the nature of the report, the Title IX Coordinator (or designee thereof) will determine the type of investigation to follow. Investigations will not in themselves result in disciplinary action; disciplinary action may arise only through the resolution of formal complaints. Investigations may yield the initiation of a formal complaint by the Title IX Coordinator (or designee). During the investigation of a report, non-disciplinary steps may be taken to protect individuals from harassment, such as separating an alleged harasser from someone alleged to have been harassed. Investigations of reports may yield a response by the College that is non-disciplinary in nature, but designed to remedy or to prevent prohibited harassment.

In addition to assessing individual reports, the Title IX Coordinator (or designee) will review reports in the aggregate to discover and address patterns of behavior that create or threaten to create a hostile environment.

Off-Campus Resources

Portland Police Bureau: 911 or 503-823-3333

Portland Women's Crisis Line: 888-235-5333

Sexual Assault resource Center: 503-640-5311

Multnomah County Crisis Line: 503-988-4888

Oregon Health and Science University (OHSU) Emergency Room: 503-494-7551

Multnomah County Victim Assistance: 503-988-3222

IX. AMNESTY

Amnesty is intended to support the practice of students reporting incidents of sexual misconduct and other violations of this policy, and to protect student safety. Individuals experiencing or witnessing violations of this policy while themselves violating another College policy (for example, policy concerning drug use) are encouraged to report the violations of this policy that they experienced or witnessed. Normally, the College will not impose disciplinary sanctions for the other policy violation(s), provided those violations did not put the health and safety of any other person at risk. (In appropriate circumstances, the College may even grant amnesty for other violations that did put the health and safety of another person at risk.) The Title IX Coordinator (or designee) is responsible for determining whether amnesty applies in any given circumstance.

X. CONFIDENTIALITY

OCOM recognizes its obligations to adopt, implement, and enforce policies and protocols to address sexual misconduct, but also understands that its responsibilities are at times inconsistent with the desires of complainants, witnesses, or others to maintain confidentiality and individual privacy. Anonymous reports are accepted.

Members of the community should understand that there can be circumstances in which acts that constitute policy violations are handled externally (in addition to or separate from internal handling) and, as a result, the College may not always have control over confidentiality. For example, acts that constitute policy violations may also lead to criminal proceedings or civil lawsuits, in which affected or knowledgeable individuals may be required to provide information or testimony.

In all cases, OCOM will comply with applicable law if that law imposes obligations that are different from this policy.

A. General inquiries

Any individual may make a confidential, nonspecific inquiry about policies or procedures to a College official. Inquiries about the application of Title IX may be referred to the Title IX Coordinator or designee thereof.

XI. PROCEDURES FOR THE RESOLUTION OF COMPLAINTS

Interim Remedies/Actions

The Title IX Coordinator (or designee thereof) may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further violations. The College will keep interim remedies and actions as private as possible.

These remedies may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Offering adjustments to academic deadlines, course schedules, etc. Note: Due to our size, academic adjustments may be limited in nature.
- Altering work arrangements for employees
- Implementing contact limitations between the parties
- Education to the community

The College may place a student on an interim suspension or place an employee on administrative leave pending the completion of an investigation and resolution, particularly when, in the judgment of the Title IX Coordinator in consultation with others, the safety or well-being of any member(s) of the campus community may be jeopardized by the on-campus presence of the responding party whose behavior is in question. In all cases the impacted party will be given the opportunity to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator will work with the appropriate administrator(s) to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy is grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to College campus/facilities/events. This restriction can include classes and/or all other College activities or privileges for which the student might otherwise be eligible. Alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.

The College will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the College's ability to provide the accommodations or protective measures.

Informal Resolution

Before pursuing the Formal Resolution Process, every reasonable effort should be made to constructively resolve conflict with students, faculty, staff, or administrators. Informal resolution means that no formal investigation occurs and disciplinary action is not required to remedy the situation. The College does not require an impacted party to contact the person involved or that person's supervisor if doing so is impracticable, or if the impacted party believes that the conduct cannot be effectively addressed through informal means. Both parties must agree to an informal resolution. Either party may withdraw from an informal resolution at any time and resume the formal process.

If informal efforts are unsuccessful, the formal resolution process may be initiated. An individual may opt to pursue the formal process at any time. However, the Title IX Coordinator may institute a formal process at any time if they determine that the conduct that is described in the complaint is severe, part of a pattern of persistent misconduct, and/or presents a safety concern to the broader College community. An informal process is not allowed for allegations where an employee harassed a student.

Formal Resolution Process

Formal resolution involves the submission of a written complaint, a formal investigation into the facts alleged in the complaint, and the possibility of the imposition of disciplinary action on the respondent.

The Title IX Coordinator (or designee thereof) is designated to formally investigate reports or notice of discrimination and/or harassment by employees, to address inquiries and coordinate the College's compliance efforts regarding employee-related reports.

If the complainant party wishes to pursue a formal resolution or if the College, based on the alleged policy violation, wishes to pursue a formal resolution, then the Title IX Coordinator appoints trained investigators (typically using a team of two investigators), to conduct the investigation, usually within two business days of determining that

a resolution should proceed. Deputy Title IX Coordinators may be an investigator. Investigations are completed expeditiously.

At any point during the investigation, if it is determined there is no reasonable cause to believe that College policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

All investigations will be thorough, reliable, and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

Before any initial interview the responding party will receive written notice, sufficiently in advance of any interview, including the identities of parties involved, the conduct allegedly constituting sexual harassment, sexual misconduct, or assault and the date of the alleged incident. Additionally, the written notice will include a statement that the responding party is presumed not responsible, may have an advisor, and may inspect and review evidence. The College will update this written notice as needed.

The College does not restrict either party from discussing the allegations under investigation or gathering and presenting any relevant evidence. Both parties are given equal access to inspect evidence directly related at least 10 days in advance of the completion of the report or any hearing. Inculpatory and exculpatory evidence are included, whether provided by an involved party or alternate source.

The investigator/s will take the following steps (not necessarily in order):

- Conduct an immediate initial inquiry to determine if there is reasonable cause to charge the responding party, and what policy violations should be alleged as part of the charge;
- Meet with the complainant to finalize their statement, and
- Prepare the notice of charges on the basis of the initial inquiry;
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Complete the investigation in a timely manner, and without unreasonable delay;
- Provide regular updates to both the complainant and responding parties, as appropriate, throughout the investigation;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not) and prepare a draft report of finding
- Share draft report of finding with all parties, allowing for a period of comment before the report is finalized;
- Share the final report of findings with the responding and reporting parties.

Hearing (Under Federal Title IX Only)

Unless an informal resolution is agreed upon a live hearing is required. The Title IX Coordinator is not the decision maker or appellate officer though the Deputy Title IX Coordinator may be an investigator. Hearings can be held in one location, virtually, or held in real time at the request of a party or the College's discretion. The hearing must be recorded or transcribed with the recording or transcription available to either party for review.

Cross examination is allowed for witnesses. Cross examinations must be conducted by an advisor, who can be an attorney, and never by a party. The College will provide an advisor, free of charge, if a party does not have one. If an individual does not submit to cross examination the decision-maker may not rely on any statement given by that individual to determine responsibility. NOTE: Even if one party obtains a lawyer as an advisor, OCOM is not obligated under federal regulations to provide an advisor with similar legal training.

Where the responding party is found not responsible for the alleged violation(s), the investigation will be closed. Where a violation is found, the College will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the College community. All parties will receive written notification of the outcome, to the extent permitted by or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking, and/or intimate partner violence, the written notification includes the finding, any resulting responsive actions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications and explains appeals options.

Requesting an Appeal

In the event that the responding party accepts the findings of the investigation, those findings cannot be appealed. Post-investigation, sanctions imposed by the appropriate administrator can be appealed by any party whether or not the responding party accepts the findings of the investigation. Post-hearing, any party may appeal the findings and/or sanctions ONLY under the grounds described below.

All sanctions imposed by the original administrator will be in effect during the appeal. A request may be made to the appropriate administrator to delay implementation of the sanctions until the appeal is decided, but the presumptive stance of the College is that the sanctions will go into effect immediately. Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

The decision of the hearing panel may be appealed by petitioning the Vice President of Operations (VPO). Any party who files an appeal request must do so in writing to the VPO within three business days of receiving the written decision, for a review of the decision or the sanctions imposed. The written decision will be provided 1) in person and/or mailed to the local mailing address of the respective party as indicated in College records and emailed to the parties' College-issued email accounts. If there is no local address on file, mail will be sent to the parties' permanent address. Once received in person, mailed or emailed, the notice of decision will be deemed presumptively delivered.

The appropriate administrator will share the appeal request with the other party (e.g., if the complainant party files an appeal, the appeal is shared with the reporting party, who may also wish to file a response and/or bring their own appeal on separate grounds; this response or appeal will be shared with the initial appealing party). Based on the written requests/responses or on interviews as necessary, the VPO will send a letter of outcome for the appeal to all parties. The VPO can take one of three possible actions. The VPO may dismiss an appeal request as untimely or ineligible, may grant an appeal and remand the finding and/or sanction for further investigation or reconsideration, or may modify a sanction.

The original finding and sanction will stand if the appeal request is not timely or substantively eligible, and that decision is final. The party requesting appeal must show clear error as the original finding and/or a compelling justification to modify a sanction, as both finding and sanction are presumed to have been decided reasonably and appropriately during the original process.

The ONLY grounds for appeal are as follows:

1. A procedural error occurred that significantly impacted the outcome of the process (e.g. substantiated bias, material deviation from established procedures, etc.);
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
3. The sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the complainant party.

If remanded to re-open the investigation, the results of a revised investigation can be subsequently forwarded for reconsideration at the hearing level. If the appeal remands to the original hearing body for review, the reconsideration of the hearing body is not appealable.

In rare cases where a procedural error cannot be resolved by the original hearing body (as in cases of bias), the VPO may order a new hearing with a new body of hearing officers. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on any of the three applicable grounds for appeals outlined above.

The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;

- Appeals are not intended to be full re-hearings of the allegation (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;
- Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so;
- An appeal is not an opportunity for the VPO to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions;
- Sanctions imposed are implemented immediately unless the VPO stays their implementation in extraordinary circumstances, pending the outcome of the appeal;
- The VPO will typically render a written decision on the appeal to all parties within five business days from hearing of the appeal. The VPO's decision to deny an appeal request is final.

External Remedies

The above procedures supplement, and do not replace, other remedies for acts which constitute violations of this policy. Students and employees have the option at all times to file a criminal complaint with law enforcement or to seek a civil remedy, in addition to or in place of using the College's procedures.

Individuals also always have the right to file a formal complaint with the United States Department of Education (for violations of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975):

U.S. Department of Education
 Office for Civil Rights
 Lyndon Baines Johnson Department of Education Bldg
 400 Maryland Avenue, SW
 Washington, DC 20202-1100
 Telephone: 800-421-3481
 FAX: 202-453-6012
 TDD: 800-877-8339
 Email: OCR@ed.gov
 Website: <http://www.ed.gov/ocr>

OR

Seattle Office for Civil Rights
 U.S. Department of Education
 915 Second Avenue
 Room 3310
 Seattle, WA 98174-1099
 Telephone: 206-607-1600
 FAX: 206-607-1601
 TDD: 800-877-8339
 Email: OCR.Seattle@ed.gov

Individuals with complaints of a violation of this policy in the context of employment (Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, Age Discrimination in Employment Act, or the Equal Pay Act) may also file a complaint with the Equal Employment Opportunity Commission (EEOC):

Equal Employment Opportunity Commission
 Seattle Field Office
 Federal Office Building
 909 First Avenue
 Suite 400
 Seattle, WA 98104-1061
 Telephone: (800) 669-4000
 TTY: (800) 669-6820