CENTRAL PIEDMONT COMMUNITY COLLEGE

SEXUAL MISCONDUCT PROCEDURES

ARTICLE I. INTRODUCTION

(a) Notice of Nondiscrimination.

As a recipient of federal funds, Central Piedmont Community College ("CPCC" or the "College") is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. ("Title IX"), which prohibits discrimination on the basis of sex in educational programs or activities, admission, and employment. The College does not discriminate on the basis of sex in its educational programs or activities, including in the context of admission or employment. Inquiries concerning the application of Title IX may be referred to Central Piedmont Community College’s Title IX Coordinator or to the U.S. Department of Education’s Office for Civil Rights. The College’s Title IX Coordinator is Leon Matthews, whose office is Room 218 in the Hall Building on Central Campus. This office can be contacted by phone at 704-330-2722, ext. 3534 or by email at leon.matthews@cpcc.edu.

(b) Overview

The College is committed to maintaining and strengthening an environment founded on civility and respect. The College also is committed to providing programs, activities, and an educational environment free from sex discrimination. Under certain circumstances, Sexual Misconduct (as defined in Exhibit B) may constitute sexual discrimination prohibited by Title IX. The College is committed to fostering a community that promotes prompt reporting of all types of Sexual Misconduct and timely and fair resolution of reports of Sexual Misconduct. These Sexual Misconduct Procedures (these “Procedures”) include available resources (Exhibit A); describe prohibited conduct; and establish procedures for responding to reports of Sexual Misconduct.

(c) Applicability

These Procedures apply to any allegation of Sexual Misconduct made by or against a Student or an employee of the College or a third party, regardless of where the alleged Sexual Misconduct occurred, if the conduct giving rise to the Complaint is related to the College’s academic, educational, or extracurricular programs or activities. The College’s disciplinary authority, however, may not extend to third parties who are not Students or employees of the College. Sexual Misconduct alleged to have occurred at a significant distance from the College and/or outside of College property may be more difficult for the College to investigate. These Procedures apply regardless of the sexual orientation or gender identity of the parties involved.

In the case of allegations of Sexual Misconduct, these Procedures supersede all other procedures and policies set forth in other College documents.

(d) Period of Limitations.

A Complaint of Sexual Misconduct may be filed at any time, regardless of the length of time between the alleged Sexual Misconduct and the decision to file the Complaint. The College strongly encourages individuals to file Complaints promptly in order to preserve evidence for a potential legal or disciplinary proceeding. A delay in filing a Complaint may compromise the College’s investigation.

(e) Definitions Applicable to These Procedures.
ARTICLE II. STATEMENTS OF POLICY

(a) Prohibition on Sexual Misconduct.

The College prohibits Sexual Misconduct and is committed to the timely and fair resolution of Sexual Misconduct cases. The College encourages prompt reporting of all types of Sexual Misconduct. The College has defined Sexual Misconduct as any unwelcome conduct of a sexual nature.

However, not all unwelcome conduct of a sexual nature rises to the level of warranting full adjudication and/or discipline pursuant to these Procedures. In other words, while the College will investigate any and all reports of Sexual Misconduct, some Sexual Misconduct can be addressed effectively without full adjudication under these Procedures and/or without the imposition of formal disciplinary sanctions against the Respondent. These Procedures use the term “Actionable Sexual Misconduct,” as defined in Exhibit B, to identify those acts of Sexual Misconduct that do warrant full adjudication under, and discipline pursuant to, these Procedures.

(b) Prohibition on Retaliation.

Retaliation against any person participating in good faith in connection with a Complaint of Sexual Misconduct is strictly prohibited. Violations will be addressed through these Procedures and/or other applicable College disciplinary procedures. Any person who feels that he or she has been subjected to Retaliation should make a report to the Title IX Coordinator.

(c) Prohibition on Providing False Information.

Any individual who knowingly files a false report or Complaint under these Procedures, who knowingly provides false information to College officials, or who intentionally misleads College officials involved in the investigation or resolution of a Complaint may be subject to disciplinary action. The College recognizes that a Complaint made in good faith will not be considered false just because the evidence does not confirm the allegation(s) of Sexual Misconduct.

(d) Confidentiality.

(i) Standard of Confidentiality (Applicable to All Complaints). The College will respect and make every reasonable effort to properly preserve the confidentiality of the information and identities shared by the parties involved in Sexual Misconduct matters. College administrators will, however, share information regarding alleged Sexual Misconduct, as appropriate and necessary, in order to address and resolve the Complaint at issue, prevent the recurrence of similar Sexual Misconduct, and address the effects of the Sexual Misconduct.

In keeping with this respect for confidentiality, information regarding alleged Sexual Misconduct will generally be disclosed by College personnel only as follows:

1) The College’s Responsible Employees are obligated to report information regarding alleged Sexual Misconduct to the Title IX Coordinator.

2) College staff are obligated to handle information regarding alleged Sexual Misconduct in accordance with applicable local, state, and federal laws. For example, the College
may be required by federal law to inform the community of the occurrence of the alleged incident(s) of Sexual Misconduct. And information regarding the alleged Sexual Misconduct may be used as an anonymous report for data collection purposes under the Clery Act.

3) College staff may be obligated to report alleged Sexual Misconduct to local law enforcement.

4) College administrators will share information regarding alleged Sexual Misconduct, as appropriate and necessary, in order to address and resolve the Complaint at issue, prevent the recurrence of similar Sexual Misconduct, and address the effects of the Sexual Misconduct.

Please note that the College cannot control disclosures by students or third parties.

(ii) Strict and Heightened Confidentiality.

1) Strict Confidentiality. Individuals may discuss alleged Sexual Misconduct in strict confidence with College employees working in the offices of Counseling Services located on all campuses (“Strictly Confidential Resources”).

This means that Personally Identifiable Information shared with Strictly Confidential Resources is not part of students’ or employees’ College records and will not be reported to other College personnel, to the Respondent, or to others (unless the disclosing individual gives his or her consent to the disclosure or the law requires it (as may be the case with alleged Sexual Misconduct involving a minor or under conditions of imminent physical harm, for example)).

Strictly Confidential Resources are not Responsible Employees and therefore are not required to (and will not, absent direction from the disclosing individual to do so) report incidents of alleged Sexual Misconduct to the Title IX Coordinator. For purposes of clarity, please understand that non-student College employees who are not Strictly Confidential Resources are Responsible Employees. Communications made to Responsible Employees (and others) are not entitled to the same confidentiality protections as those made to Strictly Confidential Resources.

2) Heightened Confidentiality. If information regarding alleged Sexual Misconduct is shared with a Responsible Employee, that employee is obligated to report that information to the College’s Title IX Coordinator. If the alleged victim to whom the information pertains desires that the Title IX Coordinator not share the information with the Respondent or with others, even as appropriate and necessary to address the allegations, such individual must request that the College apply heightened confidentiality to such information. This request must be made to the Title IX Coordinator.

Requests for heightened confidentiality may limit the College’s ability to investigate and take reasonable action in response to a Complaint. The College will evaluate heightened confidentiality requests in the context of the College’s commitment to

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1 A Respondent has a right to know the name of the accuser and information regarding the nature of the allegations in order to defend against the Complaint; thus, the College may not be able to both adjudicate the Complaint and maintain the confidentiality of the Complainant during that process.
provide a reasonably safe and non-discriminatory environment. In order to make such an evaluation, the Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual Misconduct and may weigh requests for heightened confidentiality against the following factors:

(a) the seriousness of the alleged Sexual Misconduct;
(b) the alleged victim's age;
(c) whether there have been other Complaints of Sexual Misconduct against the Respondent;
(d) the Respondent's right to receive information about the allegations if the information is maintained by the College as an "education record" under FERPA; and
(e) the applicability of any laws mandating disclosure.

The Title IX Coordinator will inform the person requesting heightened confidentiality of the College's limitations on maintaining heightened confidentiality and whether the College intends to pursue investigation and/or resolution in spite of the person's request.

Even when the College determines to abide by a request for heightened confidentiality (and even if such request limits the College's ability to take disciplinary action against the Respondent):

(i) To the extent practicable and appropriate, the College will take prompt action to limit the effects of the alleged Sexual Misconduct and to prevent its recurrence. For instance, the College may take appropriate interim measures to ensure an individual's safety even in the absence of a full investigation.

(ii) Information regarding the alleged Sexual Misconduct may be included in College records, as necessary and appropriate.

(iii) College staff are obligated to handle information regarding alleged Sexual Misconduct in accordance with applicable local, state, and federal laws. The College may be required by federal law to inform the community of the occurrence of the alleged incident(s) of Sexual Misconduct. Information regarding the alleged Sexual Misconduct may be used as an anonymous report for data collection purposes under the Clery Act.

Please note that the College cannot control disclosures by students or third parties.

(e) Requests Not to Investigate and Refusals to File a Complaint or to Cooperate.

Alleged victims may request that the College not investigate the information or allegation(s) reported, refuse to file a Complaint, and/or refuse to cooperate in the investigation and/or resolution of allegation(s).

Such requests and decisions may limit the College's ability to investigate and take reasonable action in response to a Complaint. In such cases, the College will evaluate such requests and decisions in
the context of the College’s commitment to provide a reasonably safe and non-discriminatory environment.

In order to make such an evaluation, the Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual Misconduct and may weigh such requests and decisions against the following factors:

(i) The seriousness of the alleged Sexual Misconduct;
(ii) The alleged victim's age;
(iii) Whether there have been other Complaints of Sexual Misconduct against the Respondent;
(iv) The Respondent’s right to receive information about the allegations if the information is maintained by the College as an "education record" under FERPA; and
(v) The applicability of any laws mandating disclosure.

The Title IX Coordinator will inform the requester if the College intends to conduct further investigation and/or seek resolution in spite of the person's request or refusal.

Regardless of an individual's request, Title IX requires the College to take reasonable action in response to the information known to it. Thus, the College may take such measures as are deemed necessary by the Title IX Coordinator.

Additionally, even if the College cannot take disciplinary action against the Respondent because of a refusal to file a Complaint or participate in the investigation and/or resolution of allegations, to the extent practicable and appropriate, the College will take prompt action to limit the effects of the alleged Sexual Misconduct and to prevent its recurrence. For instance, the College may issue a "no-contact" order or take other appropriate interim measures to ensure an individual's safety even in the absence of a formal proceeding.

The Complaint or other information regarding alleged Sexual Misconduct may also be used as an anonymous report for data collection purposes under the Clery Act.

(f) Limited Immunity.

The College considers the reporting and adjudication of Sexual Misconduct cases to be of paramount importance. The College does not condone underage drinking or the use of illegal drugs; however, the College may extend limited immunity from punitive sanctioning in the case of illegal alcohol or drug use to victims, witnesses, and those reporting incidents and/or assisting the victims of Sexual Misconduct, provided that they are acting in good faith in such capacity and, in limited circumstances, may also extend such immunity to a Respondent.

(g) Individuals with Disabilities.

The College will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations, to the extent necessary and available, to participate in the steps and procedures outlined in these Procedures. Employees seeking accommodations may contact Human Resources. Students requesting accommodations may contact the Coordinator of Services for Students with Disabilities.
ARTICLE III. REPORTING ALLEGED SEXUAL MISCONDUCT

For information regarding seeking medical assistance and emotional support, as well as important contact information for local law enforcement agencies and hospitals, see Exhibit A.

(a) Reporting to Local Law Enforcement.

Individuals may report Sexual Misconduct directly to local law enforcement agencies by dialing 911. Individuals who make a criminal complaint may also choose to pursue a College Complaint simultaneously. A criminal investigation into the matter does not release the College from its obligation to conduct its own investigation (nor is a criminal investigation determinative of whether Actionable Sexual Misconduct, for purposes of these Procedures, has occurred). However, the College’s investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the College may take interim measures when necessary to protect the alleged victim and/or the College community.

Individuals may choose not to report alleged Sexual Misconduct to law enforcement authorities. The College respects and supports individuals’ decisions with respect to reporting; nevertheless, the College may notify appropriate law enforcement authorities if required or warranted by the nature of the allegations at issue.

(b) Reporting to the College.

Individuals may choose not to report alleged Sexual Misconduct to a campus official. The College respects and supports the individual’s decision with respect to reporting; however, if information about Sexual Misconduct comes to the attention of the College, the College may (1) start an investigation even in the absence of a filed Complaint and/or (2) notify appropriate law enforcement authorities if required or warranted by the nature of the information of which it becomes aware.

Anyone wishing to report Sexual Misconduct to the College should contact any one of the following individuals or offices:

(i) Campus Security. The College’s Campus Security is located on each campus and is available by phone at 6911. Campus Security Officers are available 24 hours a day, seven days a week.

(ii) Office of Student Conduct and Civility. The Office of Student Conduct and Civility is located in Overcash Building Room 214. The Office of Student Conduct and Civility is available during business hours (8:00 a.m. to 4:30 p.m., Monday through Friday) by phone at 704-330-6547.

(iii) Title IX Coordinator. Central Piedmont Community College’s Title IX Coordinator is Leon Matthews, whose office is in Room 218 of the Hall Building on Central Campus. This office may be contacted during business hours (8:00 a.m. to 4:30 p.m., Monday through Friday) by phone at 704-330-2722, ext. 3534 or by email at leon.matthews@cpcc.edu.

(iv) Human Resources Office. The Human Resources Office is located in Administration Building #2. The Human Resources Office is available during business hours (8:00 a.m. to 4:30 p.m., Monday through Friday) by phone at 704-330-6631.
If an employee of Campus Security, the Office of Student Conduct and Civility, or the Human Resources Office receives a report of alleged Sexual Misconduct, that employee must notify the College’s Title IX Coordinator.

Individuals may also file anonymous reports by calling 704-330-2722, ext. 3534. It may be very difficult for the College to follow up or take action on anonymous reports, where corroborating information is limited. Anonymous reports may be used for Clery Act data collection purposes.

No member of the College community may discourage an individual from reporting alleged incidents of Sexual Misconduct. As such, an individual may report alleged Sexual Misconduct to a faculty or staff member other than those referenced above. A faculty or staff member with any knowledge about a known or suspected incident of Sexual Misconduct must report the incident to the College’s Title IX Coordinator. Excluded from this requirement are student employees and employees who are statutorily barred from reporting. No employee is authorized to investigate or resolve Complaints without the involvement of the College’s Title IX Coordinator.

ARTICLE IV. PROCEDURES APPLICABLE TO ALL COMPLAINTS OF SEXUAL MISCONDUCT.

(a) Oversight. The Title IX Coordinator will be responsible for overseeing the prompt, fair, and impartial investigation and resolution of reports of Sexual Misconduct to the College.

(b) Conflicts. If any administrator designated by these Procedures to participate in the investigation or resolution of a Complaint is the Respondent (including, but not limited to, the Title IX Coordinator), then the Executive Assistant to the President will appoint another College administrator to perform such person's duties under these Procedures. (If the Executive Assistant to the President is the Respondent, then the Title IX Coordinator will appoint another College administrator to perform the duties of the Executive Assistant to the President under these Procedures.)

(c) Support Persons. Parties and witnesses may be accompanied by a support person of their choice during any meeting or interviews held pursuant to these Procedures, except for a mediation held pursuant to Article VI. The support person may consult with the person he or she is there to support but may not participate in the meeting or interview by asking or answering questions or by making statements to the interviewer(s).

(d) Timing. The College will make every reasonable effort to ensure that the investigation and resolution of a Complaint occurs in as timely and efficient a manner as possible. The College's investigation and resolution of a Complaint will generally be completed within 60 calendar days of the receipt of the Complaint, absent extenuating circumstances.

Any party may request an extension of any deadline by providing the Title IX Coordinator with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request. The Title IX Coordinator may modify any deadline contained in these Procedures as necessary and for good cause.

(e) Interim Measures. If at any point during the complaint, investigative or disciplinary processes, the Title IX Coordinator deems it necessary for the protection of any member of the College community, the Title IX Coordinator may take actions such as the following:
1) For student respondents:
   a) requesting that the Registrar cause a transcript hold to be placed on the Respondent’s transcript;
   b) summarily suspending the Respondent;
   c) changing the Respondent’s class schedule; or
   d) taking such steps as are reasonable, appropriate and necessary to restrict the Respondent’s movement on campus.

2) For employee respondents, requesting that the individual authorized to make personnel decisions regarding the employee at issue:
   a) take such steps as are reasonable, appropriate and necessary to restrict the Respondent’s movement on campus; or
   b) reassign or place on paid administrative leave such Respondent.

(f) Initial Meeting(s) with the Title IX Coordinator.

(i) Alleged Victim's Initial Meeting with the Title IX Coordinator. As soon as is practicable, the Title IX Coordinator will contact the alleged victim to schedule an initial meeting. At this initial meeting, the Title IX Coordinator will, as applicable:

1) Provide the alleged victim a copy of the Sexual Misconduct Policy and these Procedures;
2) Explain the avenues for formal resolution and informal resolution (mediation) of a Complaint;
3) Explain the steps involved in a Sexual Misconduct investigation;
4) Discuss confidentiality standards and concerns with the alleged victim;
5) Provide the alleged victim a Sexual Misconduct Complaint Form (Exhibit C) and determine whether the alleged victim wishes to file a Complaint and participate in the College’s investigation and resolution of the Complaint2;
6) Refer the alleged victim to the College’s Counseling Services office or other resources, as appropriate;
7) Discuss protection from, and reporting of, Retaliation; and
8) Discuss with the alleged victim, as appropriate, possible interim measures that can be provided to the alleged victim pending the investigative and resolution processes. (The College may implement such measures if appropriate and reasonably available, regardless of whether a formal Complaint has been filed (with either campus administrators or law enforcement agencies) or whether an investigation (by either campus administrators or law enforcement agencies) has commenced.) Interim measures may include, but are not limited to:

2 An alleged victim who elects to file a Complaint and participate in the College’s investigation and resolution of the Complaint becomes a Complainant for the purposes of this Policy. Even when an alleged victim is not cooperative or requests that the College not pursue an investigation, Title IX requires the College to take reasonable action in response to the information known to it. Thus, the College may take such measures as are deemed appropriate by the Title IX Coordinator.
a) Issuing no-contact orders to prevent any contact between the alleged victim, the Respondent, witnesses, and/or third parties;
b) Providing the alleged victim an escort to ensure that he or she can move safely between classes, work, and/or other activities;
c) Changing work arrangements;
d) Rescheduling class work, assignments, and examinations;
e) Arranging for the alleged victim to take an incomplete in a class;
f) Moving the alleged victim or the Respondent from one class section to another;
g) Permitting a temporary withdrawal from the College;
h) Providing alternative course completion options;
i) Providing counseling services; and
j) Providing academic support services.

Following the initial meeting with the alleged victim, the Title IX Coordinator will, if applicable, promptly determine the interim measures to be provided to the alleged victim. Such determination will be communicated to the alleged victim and, to the extent that such measures affect him or her, the Respondent.

(ii) **Respondent’s Initial Meeting with the Title IX Coordinator.** If the alleged victim wishes to pursue a formal or informal resolution through the College or if the College deems that further investigation is warranted, as soon as is reasonably practicable after the Title IX Coordinator’s initial meeting with the alleged victim, the Title IX Coordinator will schedule an initial meeting with the Respondent. During the initial meeting with the Respondent, the Title IX Coordinator will, as applicable:

1) Provide the Respondent, in writing, sufficient information consistent with state and federal privacy laws and, if applicable, the alleged victim’s request for confidentiality, to allow him or her to respond to the substance of the allegation, including, if possible, the name of the Complainant and the date, location and nature of the alleged Sexual Misconduct;

2) Provide the Respondent a copy of the Sexual Misconduct Policy and these Procedures;

3) Explain the College’s procedures for formal resolution and informal resolution (mediation) of the Complaint;

4) Explain the steps involved in a Sexual Misconduct investigation;

5) Discuss confidentiality standards and concerns with the Respondent;

6) Discuss non-Retaliation requirements with the Respondent;

7) Inform the Respondent of any interim measures already determined and being provided to the Complainant that directly affect the Respondent (e.g., changing his or her class schedule, or placing him or her at a different work location or on paid administrative leave);

8) Refer the Respondent to the College’s Counseling Services office and other resources, as appropriate; and

9) Discuss with the Respondent, as appropriate, possible interim measures that can be provided to the Respondent (such as those set forth above) pending the results of the investigative and resolution processes.
(g) **Further Investigation.**

(i) **The Title IX Coordinator’s Initial Determination.**

The Title IX Coordinator will determine that further investigation of a Complaint should be conducted unless it is clear on the face of the Complaint and/or based on the Title IX Coordinator’s initial meetings with the parties that no reasonable grounds exist for believing that the Respondent engaged in Actionable Sexual Misconduct.

In the event that the Title IX Coordinator determines that further investigation is not warranted, he or she will determine and document the appropriate resolution of the Complaint and inform the parties of the same.

(ii) **The Appointment of the Investigator.**

If the Title IX Coordinator determines that further investigation is warranted, he or she will promptly appoint an Investigator and will share his or her name and contact information with the Complainant and the Respondent and will forward the Complaint to the Investigator.

Within three days of such appointment, the Investigator, the Complainant and/or the Respondent may identify to the Title IX Coordinator in writing any real or perceived conflicts of interest posed by assigning such Investigator to the matter. The Title IX Coordinator will carefully consider such statements and will assign a different individual as Investigator if it is determined that a material conflict of interest exists.

(iii) **The Investigator’s Activities and Report.**

Upon receipt of the Complaint, the Investigator will promptly begin his or her investigation, taking steps such as:

1) Conducting interviews with the Complainant, the Respondent, and third-party witnesses (including expert witnesses, where applicable) and summarizing such interviews in written form;

2) Visiting, inspecting, and taking photographs at relevant sites; and

3) Where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal complaints, this step may be coordinated with law enforcement agencies).

The Investigator should obtain, where applicable and where possible, the written consent of any third-party witnesses to the disclosure of any Personally Identifiable Information contained in the Complaint, the Investigative Report, and/or any other documents in order to further the resolution of the Complaint.\(^3\)

The Investigator will complete a written investigative report that includes items such as summaries of all interviews conducted, photographs, and descriptions of relevant evidence, summaries of relevant electronic records, and a detailed report of the events in question (the "Investigative Report"). The Investigator will share the Investigative Report with the

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\(^3\) If the Investigator is unable to obtain the consent of such third-party witnesses, he or she will redact the Investigative Report to the extent necessary to avoid inappropriate disclosure of such witness's Personally Identifiable Information, while ensuring that such redaction does not prevent resolution of the Complaint.
Title IX Coordinator, who will distribute it, concurrently, to the Complainant and the Respondent. All parties to whom the Investigative Report is distributed pursuant to these Procedures must maintain it in confidence.


The Title IX Coordinator is responsible for determining and documenting, based on the Investigative Report and other available information, whether reasonable grounds exist to believe that the Respondent engaged in Actionable Sexual Misconduct.

The Title IX Coordinator will direct that the case will proceed unless it is clear from the Complaint and the Investigative Report that no reasonable grounds exist for believing that the conduct at issue constitutes Actionable Sexual Misconduct. The Title IX Coordinator will specify which allegations and, if applicable, which other, related alleged misconduct, will go forward for resolution under these Procedures. If the Title IX Coordinator determines that the case should proceed, he will distribute the Investigative Report to the Complainant and the Respondent. All parties to whom the Investigative Report is distributed must maintain it in confidence.

If the Title IX Coordinator finds no reasonable grounds to believe that the Respondent engaged in Actionable Sexual Misconduct, then the Title IX Coordinator will determine and document the appropriate resolution of the Complaint and will promptly notify the parties of that determination.

(h) Formal Versus Informal Resolution.

At any time before the Title IX Coordinator appoints the Sexual Misconduct Panel under Section V(b), the Complainant may elect to resolve his or her Complaint through the informal resolution (mediation) process in accordance with Article VI of these Procedures, provided that (i) the Respondent agrees to such resolution, (ii) the Complainant and the Respondent are both students or are both employees of the College, (iii) the Title IX Coordinator determines that informal resolution is an appropriate mechanism for resolving the Complaint, and (iv) the Complaint does not involve Sexual Assault. Otherwise, a Complaint that is not closed pursuant to the Title IX Coordinator’s initial determination or evaluation of the Investigative Report will proceed to formal resolution in accordance with Article V of these Procedures.

ARTICLE V. FORMAL RESOLUTION

(a) Respondent’s Acknowledgement of Responsibility.

At any time the Respondent may elect to acknowledge his or her actions and take responsibility for the alleged Sexual Misconduct. In such a situation, the Title IX Coordinator will propose sanction(s) for the Respondent. If the Complainant and the Respondent agree to such proposed sanction(s), then the Complaint will be resolved without any further proceedings and without any further rights of appeal by any party. If either the Complainant or the Respondent objects to such proposed sanction(s), then the Sexual Misconduct Panel will convene for the exclusive purpose of determining a sanction, which determination may be subject to appeal pursuant to Section V(b) of these Procedures.

(b) The Formal Resolution Process.
In the case of formal resolution, the Sexual Misconduct Panel will determine whether the Respondent engaged in Actionable Sexual Misconduct and which sanctions, if any, are appropriate. To do so, the Sexual Misconduct Panel will review the Investigative Report and other available evidence and will interview the Complainant, Respondent, and witnesses as the Panel deems necessary.

(i) **The Sexual Misconduct Panel.** The Title IX Coordinator will appoint the members of the “Sexual Misconduct Panel” (or the “Panel”) to include at least three faculty and/or staff members. The Title IX Coordinator will designate one member of the Panel as the Chair of the Panel. The Title IX Coordinator will share the Complaint and the Investigative Report with the Chair and will specify which part(s) of the alleged misconduct will be the subject of formal resolution.

(ii) **Notice of the Composition of the Panel.** Promptly after appointing the members of the Panel, the Title IX Coordinator will provide concurrent written notice to the Complainant and the Respondent, setting forth the names of the individuals selected to serve on and chair the Panel. The Title IX Coordinator will also specify which part(s) of the alleged misconduct will be the subject of formal resolution.

The parties may challenge the participation of any member of the Panel by submitting a written objection to the Title IX Coordinator within three days of receipt of the notice of the composition of the Panel. Such objection must state the specific reason(s) for the objection. The Title IX Coordinator will evaluate the objection and determine whether to alter the composition of the Panel. Failure to submit a timely and proper objection will constitute a waiver of any right of objection to the composition of the Panel. Any changes in the composition of the Panel will be provided in writing to both parties.

(iii) **Submission of Written Materials by the Parties.** Within five days of receipt of the notice of composition of the Panel, the Complainant and the Respondent may provide the Chair of the Panel with (1) a list of witnesses, if any, that they propose that the Panel interview and a brief description of each proposed witness’s connection to and/or knowledge of the issues in dispute, and (2) a written statement of position.

(iv) **Interviews.** Both parties will have the opportunity to appear separately before the Panel, and the Panel may interview other individuals as deemed necessary. The Respondent may choose not to appear before the Panel; exercising this option will not preclude the Panel from making a determination regarding the Complaint filed against the Respondent.

(v) **Outcome.**

1) **The Decision of the Panel.** Following the conclusion of its interviews, the Panel will confer and by majority vote determine whether the evidence (including the information provided in and by the Investigative Report, the parties’ written statements, if any, and the testimony of the parties and witnesses) establishes that it is more likely than not that the Respondent committed Actionable Sexual Misconduct.

2) **Sanctions.**

   a) **Generally.** Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline for Sexual Misconduct, or both.

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* In other words, the standard of proof will be the preponderance of the evidence standard.
Sanctions for employees may include, without limitation, withholding a promotion or pay increase, reassigning employment, terminating employment, administrative leave with or without pay, and/or compensation adjustments. Sanctions for students may include, without limitation, expulsion, suspension from the College, disciplinary probation, mandated counseling, and/or educational sanctions deemed appropriate by the Panel. The Panel will determine sanctions, giving consideration to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. The Panel will forward its determinations regarding sanctions to the Title IX Coordinator.

b) Implementation of Sanctions. Sanctions imposed are not effective until the resolution of any timely appeal pursuant to Section V(b), below. However, if it is advisable in order to protect the welfare of the Complainant or the College community, the Panel may recommend and the Title IX Coordinator may determine that any sanctions be effective immediately and continue in effect until such time as the appeal process is exhausted.

3) Final Accommodations and Corrective Action. In addition to any sanctions imposed on the Respondent, promptly following the Panel’s issuance of a determination of responsibility, the Title IX Coordinator will determine the final accommodations to be provided to the Complainant, if any, and will communicate such decision to the Complainant and, to the extent that it affects him or her, to the Respondent. Such accommodations may include, but are not limited to those listed in the section above regarding interim measures.

The Title IX Coordinator will also take steps to prevent the further harassment of or Retaliation against the Complainant or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, providing trainings for the College community, and providing Sexual Misconduct-related or other counseling for the Respondent. The Title IX Coordinator will also, where appropriate, take steps to prevent the harassment of the Respondent.

Furthermore, the Title IX Coordinator will take prompt corrective action if the Complainant experiences Retaliation or is subjected to further Sexual Misconduct or if the original sanctions imposed on the Respondent are ineffective to protect the safety and well-being of the Complainant or other members of the College community. In cases involving Sexual Harassment, the Title IX Coordinator will also take reasonable steps to eliminate any hostile environment that has been created. In taking the above-outlined steps, the Title IX Coordinator will make every reasonable effort to minimize the burden on the Complainant.

4) Final Outcome Letter. The Panel will issue a written decision letter (the "Final Outcome Letter") concurrently to the Respondent and the Complainant.

For employee and third-party Respondents, the Final Outcome Letter will set forth (1) the name of the Respondent, (2) the violation(s) of these Procedures for which the Respondent was found responsible or a statement that the Respondent was found not to have violated these Procedures, and (3) the sanctions imposed on the Respondent. Where appropriate, the Final Outcome Letter may set forth names of other individuals, such as a victim or witness, if such other individuals provide their written consent to such inclusion.
For student Respondents alleged to have committed Sexual Assault and/or Non-forcible Sex Acts, the Final Outcome Letter will set forth (1) the name of the Respondent, (2) the violation(s) of these Procedures for which the Respondent was found responsible or a statement that the Respondent was found not to have violated these Procedures, and (3) the sanctions imposed on the Respondent, if any (setting forth only a description of the disciplinary action taken, the date of its imposition, and its duration), and where appropriate, it may set forth names of other individuals, such as a victim or witness, if such other individuals provide their written consent to such inclusion.

For student Respondents alleged to have committed any other form of Sexual Misconduct, the Final Outcome Letter will set forth (1) the name of the Respondent, (2) the violation(s) of these Procedures for which the Respondent was found responsible or a statement that the Respondent was found not to have violated these Procedures, and (3) the sanctions imposed on the Respondent, if any (setting forth only a description of the disciplinary action taken, the date of its imposition, and its duration), and where appropriate, it may set forth names of other individuals, such as a victim or witness, if such other individuals provide their written consent to such inclusion. To the extent that the sanctions imposed on the Respondent do not constitute part of the Complainant’s “education record” (as that term is defined by FERPA), then such information will be redacted from the version of the Final Outcome Letter that is provided to the Complainant.

5) Confidentiality and Disclosure. In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the formal resolution process is not open to the general public. Accordingly, documents prepared in connection with the formal resolution process may not be disclosed outside of that process except as may be required or authorized by law.

If it is determined, however, that the Respondent committed Actionable Sexual Misconduct, College policy does not prohibit the further disclosure of the Final Outcome Letter by either the Complainant or the Respondent.

(vi) Appeals. The Complainant or the Respondent may appeal the decision of the Panel and/or the sanction imposed on the Respondent within 14 calendar days from the date of the Final Outcome Letter. The decision of the Panel and the sanction imposed on the Respondent may, if desired, be appealed simultaneously.

1) Appeals of the Decision of the Panel Regarding Responsibility for Sexual Misconduct. The only permissible grounds for an appeal of the decision of the Panel regarding responsibility are procedural error or previously unavailable relevant evidence that significantly impacted the outcome of the case.

Appeals of the decision of the Panel must be made in writing to the Executive Assistant to the President of the College. The IX Coordinator will promptly inform the other party (i.e., the Complainant or the Respondent) of the filing of the appeal.

The Executive Assistant to the President will make a determination (i) that the decision of the Panel should stand; or (ii) that the decision of the Panel should be overturned.

In the event that the Executive Assistant to the President determines that the decision of the Panel should be overturned, the Executive Assistant to the President will specify, after
consultation with the Title IX Coordinator and other College administrators, as necessary, the appropriate steps to be taken to come to a final resolution of the Complaint. The Executive Assistant to the President will notify the Complainant and the Respondent concurrently of the decision or action.

2) Appeals of Sanctions.

The sanctions imposed on the Respondent may be appealed only on the grounds that the severity of the sanction imposed is substantially disproportionate to the gravity of the Sexual Misconduct for which the Respondent was found responsible. Appeals must be made in writing to the Executive Assistant to the President of the College. The Title IX Coordinator will promptly inform the other party (i.e., the Complainant or the Respondent) of the filing of the appeal.

The Executive Assistant to the President will make a determination (a) that the decision of the Panel should stand or (b) that the decision of the Panel should be overturned. In the event that the Executive Assistant to the President determines that the decision of the Panel should be overturned, the Executive Assistant to the President will specify (after consultation with the Title IX Coordinator and other College administrators, as necessary) the final sanctions to be imposed on the Respondent. The Executive Assistant to the President will notify the Complainant and the Respondent concurrently of the decision.

(vii) Documentation. The College will retain documentation (including but not limited to the written Complaint, notifications, the Investigative Report, any written findings of fact, petitions for appeal, and any written communication between the parties) for at least seven years. Documentation pertaining to terminations, expulsions or educational sanctions may be retained indefinitely.

ARTICLE VI. INFORMAL RESOLUTION (MEDIATION)

Informal resolution is only appropriate if (i) the Complainant requests it, (ii) the Respondent agrees to it, (iii) the Complainant and the Respondent are either students or employees of the College, (iv) the Title IX Coordinator determines that it is an appropriate mechanism for resolving the Complaint, and (v) the Complaint does not involve Sexual Assault.

Informal resolution may not be selected for less than all of the misconduct alleged in the Complaint (for example, the parties may not choose to resolve a claim of Sexual Assault according to the formal resolution process but mediate all other claims). If the parties agree to informal resolution (and informal resolution is appropriate for all of the claims at issue), then all of the claims must be resolved according to the informal resolution process.

Either party may terminate the informal resolution process at any time and proceed with formal resolution. Furthermore, the Title IX Coordinator may, where appropriate, terminate or decline to initiate informal resolution, and proceed with formal resolution instead. In such cases, statements or disclosures made by the parties in the course of the informal resolution process may be considered in the subsequent formal resolution proceedings.

The informal resolution process may not necessarily result in a formal disciplinary action for the Respondent. However, the fact and details of the allegation(s) and the outcome of the informal resolution may be considered in connection with the evaluation of any subsequent Sexual Misconduct allegations against, and discipline-related decisions involving, the Respondent.
(a) The Informal Resolution Process.

(i) The Mediation; the Trained College Mediator. When the Complaint is to be resolved according to the informal resolution process, there will be a mediation overseen by a Trained College Mediator. The purpose of the mediation is to allow an opportunity for resolution of the Complaint without using the formal resolution process. The Title IX Coordinator will appoint the Trained College Mediator.

(ii) Notice of the Mediation. Promptly after the Title IX Coordinator has appointed the Trained College Mediator, the Title IX Coordinator will provide concurrent written notice to the Complainant and the Respondent, setting forth (1) the date, time and location of the mediation, and (2) the name of the individual selected to serve as the Trained College Mediator. If only a portion of the alleged misconduct justifies continuing to adjudication, the Title IX Coordinator will also specify in the notice which part(s) of the alleged misconduct will be the subject of the mediation.

Any party may challenge the participation of the Trained College Mediator by submitting a written objection to the Title IX Coordinator within three days of receipt of the notice of the mediation. Such objection must state the specific reason(s) for the objection. The Title IX Coordinator will evaluate the objection and determine whether to change the Trained College Mediator. Failure to submit a timely and proper objection will constitute a waiver of any right of objection. Any substitution of the party serving as the Trained College Mediator will be provided in writing to both parties prior to the date of the mediation.

(iii) No Contact Prior to Mediation. The Complainant and the Respondent may not contact each other outside of the mediation, even to discuss the mediation.

(iv) Attendance. Both the Complainant and the Respondent are expected to attend the mediation. If either party fails to appear at the mediation, and such party was provided proper notice of the mediation as set forth above, then absent extenuating circumstances, the Trained College Mediator may direct that resolution of the Complaint be determined according to the formal resolution process set forth above.

(v) The Mediation.

1) Rights of the Parties. During the mediation, the Complainant and the Respondent may:
   a) Communicate their feelings and perceptions to each other in the presence of, and facilitated by, the Trained College Mediator;
   b) Communicate feelings and perceptions regarding the alleged incident and the impact of the alleged incident; and/or
   c) Relay wishes and expectations regarding protection in the future.

2) Counsel and Advisors. Absent accommodation for disability, the parties may not be accompanied by an advisor during the mediation.

3) Resolution. During the mediation, the Trained College Mediator will attempt to facilitate the parties’ resolution of the Complaint. If the mediation results in a resolution between the parties and the Title IX Coordinator finds the resolution to be appropriate under the circumstances (giving consideration to the extent to which the resolution will protect the safety of the Complainant and the entire school community), the informal disciplinary
procedure will be concluded and the Complaint will be closed. If the parties are unable to reach a resolution, the formal resolution process outlined in Article V of these Procedures will promptly commence.

(vi) Privacy and Disclosure. In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the informal resolution process is not open to the general public. Accordingly, documents prepared in anticipation of the mediation (including the Investigative Report and the notice of the mediation) and other information introduced at the mediation may not be disclosed outside of the mediation, except as may be required or authorized by law.

(vii) Documentation. The College will retain any documentation of the mediation for at least seven years.

EXHIBIT A

Suggested Actions for Victims of Sexual Assault

While all types of Sexual Misconduct are inappropriate and taken seriously by the College, actions involving Sexual Assault (as defined in Exhibit B) are particularly concerning. Thus, if you are the victim of a Sexual Assault, the College’s first priority is to help you take steps to address your safety, medical needs and emotional well-being. You are encouraged to take the following actions, as applicable, regardless of whether you have made a decision about whether to pursue criminal or College disciplinary charges.

1. Ensure Your Physical Safety.

You may seek help from local law enforcement agencies or by contacting Campus Security. Campus Security can assist you with contacting local law enforcement and can help you obtain transportation to the local law enforcement office. Campus Security personnel are on duty 24 hours a day, seven days a week.

2. Seek Medical Assistance and Treatment.

Important Contact Information

College Resources

Central Piedmont Community College’s Title IX Coordinator is Leon Matthews, whose office is located in Room 218 of the Hall Building on Central Campus. This office may be contacted from 8:00 a.m. to 4:30 p.m. Monday through Friday by phone at 704-330-2722, ext 3534 or by email at leon.matthews@cpcc.edu.

A Campus Security Office is located on all campuses and is available by phone at 6911. College Security Officers are available 24/7.

The Office of Student Conduct and Civility is located in Overcash Building Room 214 and is available by phone at 704-330-6819. The office is staffed from 8:30 a.m. until 4:30 p.m. Monday through Friday.

The Office of Human Resources is located in Administration Building 2 and is available by phone at 704-330-6631. The office is staffed from 8:00 a.m. until 4:30 p.m. Monday through Friday.

The College Office of Counseling Services is located on all campuses and is available by phone at 704-330-6433. The Center is staffed from 8:00 a.m. until 4:30 p.m. Monday through Friday.

Community Resources

Local Law Enforcement Agencies can be reached by calling 911.

Novant Health Presbyterian Medical Center is located at 200 Hawthorne Lane, Charlotte NC 28204. The Emergency Department can be reached at 704-384-4000.

Carolinas Medical Center is located at 1000 Blythe Boulevard, Charlotte NC 28203. The Emergency Department can be reached at 704-355-2000.

Charlotte Children and Family Services Center: 704-332-9034

24/7 Domestic Violence Hotline: 704-332-2513

24/7 Rape Crisis Hotline: 704-375-9900

National Sexual Violence Resource Center: 1-877-739-3895
Local options for medical care include any of the **Novant Health Medical Centers or Carolinas Medical Centers**. It is crucial that you obtain medical attention as soon as possible after a Sexual Assault to determine the possibilities of physical injury and to prevent or treat sexually transmitted diseases (such as HIV). Medical facilities can also screen for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs).

Employees at the College can help with contacting the closest facility to receive medical services.

3. **Obtain Emotional Support**

The **Central Piedmont Community College Office of Counseling Services** can help victims sort through their feelings and begin the recovery process. The professionals at the Office of Counseling Services are trained to provide crisis intervention on short-term and emergency issues. Counseling is free of charge to all students. In some instances, the law may require the disclosure of information shared by students with counselors. However, absent a legal mandate to the contrary, counseling services are strictly confidential, are not part of students’ academic records, and will not be reported to other College personnel.

4. **Obtain Information / Report Misconduct**

You are encouraged to report incidents of Sexual Assault to the College’s Title IX Coordinator, Deputy Title IX Coordinator(s) or other designated individuals or offices as outlined in the Sexual Misconduct Policy and these Procedures (even if you have filed a report directly with law enforcement). Further information about how to report Sexual Assault is provided in the body of the Central Piedmont Community College Sexual Misconduct Policy and these Procedures. College personnel can help you access resources if requested and can provide you with support and information, including information on the College’s procedures for investigating and addressing instances of Sexual Assault.
EXHIBIT B

Definitions

(i) **Actionable Sexual Misconduct.** “Actionable Sexual Misconduct” is Sexual Misconduct that, taking into account the totality of the circumstances, is sufficiently serious and significant to warrant adjudication under, and discipline pursuant to, these Procedures. Specifically, to determine whether Sexual Misconduct rises to the level of Actionable Sexual Misconduct, consideration will be given to the following criteria: (1) the type, frequency and duration of the conduct (the more severe the conduct, the less the need to show a repetitive series of incidents, particularly if the harassment is physical), (2) the identity of and relationship between the alleged harasser and the alleged victim, (3) the number of individuals involved, (4) the age and sex of the alleged harasser and the alleged victim, (5) the location of the incidents and the context in which they occurred, and (6) whether there have been similar incidents.

(ii) **Clergy Act.** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clergy Act”) is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

(iii) **Complainant.** A “Complainant” is an alleged victim of Sexual Misconduct who chooses to file a Complaint and participate in the College’s investigation and resolution of the alleged Sexual Misconduct.

(iv) **Complaint.** A “Complaint” is an allegation of Sexual Misconduct asserted against another party and reported to or filed with the College.

(v) **Consent.** “Consent” is informed, freely and actively given and mutually understandable words or actions that indicate a willingness to participate in mutually agreed-upon sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a mutually understandable agreement between them to engage in certain conduct with each other. Consent cannot be gained by ignoring or acting in spite of the objections of another.

Consent cannot be inferred from:

1) Silence, passivity, or lack of resistance alone;

2) A current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else);

3) Attire;

4) The buying of dinner or the spending of money on a date; or

5) Consent previously given (i.e., Consenting to one sexual act does not imply Consent to another sexual act).

Consent is not effective if it is obtained through the use of physical force, violence, duress, intimidation, coercion or the threat, expressed or implied, of bodily injury. Whether a party used intimidation or coercion to obtain Consent will be determined by reference to the perception of a reasonable person found in the same or similar circumstances.
Consent may never be given by:

a) Minors, even if the other participant did not know the minor’s age;

b) Mentally disabled persons, if their disability was reasonably knowable to a sexual partner who is not mentally disabled; or

c) Persons who are incapacitated (whether as a result of drugs, alcohol or otherwise), unconscious, asleep or otherwise physically helpless or mentally or physically unable to make informed, rational judgments. The use of alcohol or drugs does not diminish one’s responsibility to obtain Consent and does not excuse conduct that constitutes Sexual Misconduct under these Procedures.

If at any time during a sexual act any confusion or ambiguity is or should reasonably be apparent on the issue of Consent, it is incumbent upon each individual involved in the activity to stop and clarify the other’s willingness to continue and capacity to Consent. Neither party should make assumptions about the other’s willingness to continue.

(vi) **Dating Violence.** “Dating Violence” means violence committed by a person

1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

   a) The length of the relationship,

   b) The type of relationship, and

   c) The frequency of interaction between the persons involved in the relationship.

(vii) **Day.** A “day” is a business day, unless otherwise specified.

(viii) **Deputy Title IX Coordinator.** The College’s Deputy Title IX Coordinators work under the oversight of the Title IX Coordinator to assist with the handling of Title IX-related Complaints. The Title IX Coordinator may, at his or her discretion, assign a Deputy Title IX Coordinator as the acting Title IX Coordinator in connection with a given Complaint.

(ix) **Domestic Violence.** “Domestic Violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of North Carolina, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of North Carolina.

(x) **FERPA.** The Family Educational Rights and Privacy Act ("FERPA") is a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 99. FERPA protects the privacy of student education records. FERPA grants to parents or eligible students the right to access, inspect, and review education records, the right to challenge the content of education records, and the right to consent to the disclosure of education records.

(xi) **Investigator.** The “Investigator” is a neutral fact-finder who is designated by the Title IX Coordinator to investigate a Complaint. The Investigator will be trained regularly on (1)
reasonable and appropriate investigative techniques, (2) issues related to Sexual Misconduct, and (3) how to conduct an investigation that protects the safety of victims and promotes accountability.

(xii) **Non-forcible Sex Act.** A “Non-forcible Sex Act” is an unlawful sexual act where Consent is not relevant, such as sexual contact with an individual under the statutory age of Consent, as defined by North Carolina law, or between persons who are related to each other within degrees wherein marriage is prohibited by law.

(xiii) **Personally Identifiable Information.** “Personally Identifiable Information” as defined by FERPA includes, but is not limited to:

1) A student's name;
2) The name of a student’s parent(s) or other family members;
3) The address of a student or a student's family;
4) A personal identifier, such as a student's social security number, student number, or biometric record;
5) Other indirect identifiers, such as a student’s date of birth, place of birth, or mother’s maiden name;
6) Other information that, alone or in combination, is linked or linkable to a specific student and that would allow a reasonable person in the College community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7) Information requested by a person whom the College reasonably believes knows the identity of the student to whom the education record relates.

(xiv) **Rape.** “Rape” is the act of sexual intercourse or penetration (anal, oral or vaginal), however slight, with any body part or any object, by a man or a woman upon a man or a woman, without Consent, including vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact).

(xv) **Respondent.** A “Respondent” is an individual who has been accused of committing Sexual Misconduct by the reporting or filing of a Complaint.

(xvi) **Responsible Employees.** The College’s “Responsible Employees” are all non-student College employees not designated as “Strictly Confidential Resources” in Section II of these Procedures.

(xvii) **Retaliation.** “Retaliation” means any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a Complaint of Sexual Misconduct, including but not limited to direct and indirect intimidation, threats, and harassment.

(xviii) **Sexual Assault.** “Sexual Assault” means any actual, attempted, or threatened sexual act with another person without that person’s Consent. Sexual Assault includes but is not limited to:

1) Rape and attempted Rape;
2) Intentional and unwelcome sexual touching (including disrobing or exposure), however slight, with any body part or any object, by a man or a woman upon a man or a woman, without effective Consent, of a person’s breasts, buttocks, groin, or genitals (or clothing covering such areas), or coercing, forcing, or attempting to coerce or force another to touch you, themselves, or a third party with any of these body parts or areas when such touching would be reasonably and objectively offensive;

3) Any sexual act in which there is force, violence, or use of duress or deception upon the victim;

4) Any sexual act perpetrated when the victim is unable to give Consent; and

5) Sexual intimidation, which includes but is not limited to:
   a) Threatening, expressly or impliedly, to commit a sexual act upon another person without his or her Consent,
   b) Stalking or cyber-stalking, and
   c) Engaging in indecent exposure.

(xix) Sexual Exploitation. "Sexual Exploitation" means any act of taking non-Consensual, unjust or abusive sexual advantage of another person for one's own advantage or benefit or to benefit or advantage anyone other than the person being exploited. Sexual Exploitation includes, but is not limited to:

1) Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such person;

2) Prostituting another person (i.e., personally gaining money, privilege or power from the sexual activities of another);

3) Non-Consensual videotaping, photographing, or audio-taping of sexual activity and/or distribution of these materials via media such as, but not limited to, the Internet;

4) Exceeding the boundaries of Consent (e.g., allowing another person to observe Consensual sex without the knowledge of or Consent from all participants);

5) Voyeurism; and

6) Knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual.

(xx) Sexual Harassment. "Sexual Harassment" is any unwelcome verbal, nonverbal, written, electronic or physical conduct of a sexual nature. Examples of Sexual Harassment include instances in which:

1) Submission or consent to the behavior is reasonably believed to carry consequences for the individual’s education, employment, or participation in a College activity. Examples of this type of sexual harassment include:
   a) Pressuring an individual to engage in sexual behavior for some educational or employment benefit, or
   b) Making a real or perceived threat that rejecting sexual behavior will carry a negative educational or employment consequence for the individual.

2) The behavior is so severe or pervasive that it has the effect of substantially interfering with the individual’s work or educational performance by creating an intimidating, hostile,
or demeaning environment for employment, education, or participation in a College activity. Examples of this type of sexual harassment include:

a) One or more instances of Sexual Assault;
b) Persistent unwelcome efforts to develop a romantic or sexual relationship;
c) Unwelcome sexual advances or requests for sexual favors;
d) Unwelcome commentary about an individual’s body or sexual activities;
e) Repeated and unwelcome sexually-oriented teasing, joking, or flirting; and
f) Verbal abuse of a sexual nature.

Sexual harassment also includes acts of intimidation, bullying, aggression or hostility based on gender or gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

(xxii) Sexual Misconduct. “Sexual Misconduct” means any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without Consent. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex. Sexual Misconduct also includes complicity in Sexual Misconduct. The College encourages reporting of all Sexual Misconduct. Sexual Misconduct includes but is not limited to:

1) Dating Violence;
2) Domestic Violence;
3) Non-forcible Sex Acts;
4) Sexual Assault;
5) Sexual Exploitation;
6) Sexual Harassment; and
7) Stalking.

(xxii) Sexual Misconduct Panel. “Sexual Misconduct Panel” is defined in Section V(b).

(xxiii) Stalking. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1) Fear for his or her safety or the safety of others; or
2) Suffer substantial emotional distress.

For purposes of this definition, “course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property; “substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling; and “reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.
(xxiv) **Strictly Confidential Resources.** The College’s “Strictly Confidential Resources” are set forth in Section II(d)(ii)(1).

(xxv) **Title IX Coordinator.** The College’s “Title IX Coordinator” is Leon Matthews, whose office is located in Room 218 of the Hall Building on Central Campus and who may be contacted by phone at 704-330-2722, ext. 3534 or by email at leon.matthews@cpcc.edu. The Title IX Coordinator has ultimate oversight responsibility for handling Title IX–related complaints and for identifying and addressing any patterns or systemic problems involving Sexual Misconduct. The Title IX Coordinator is available to meet with individuals who are involved with or concerned about issues or College processes, incidents, patterns or problems related to Sexual Misconduct on campus or in College programs. All allegations involving Sexual Misconduct should be directed to the Title IX Coordinator or other designated College individuals or offices as outlined in the Sexual Misconduct Policy and these Procedures.
SEXUAL MISCONDUCT COMPLAINT FORM

Today's date: ______________

Information Regarding the Complainant:
Name of the Complainant: _________________________________________________________
Complainant's Contact Information:
Phone __________________________________________________________
Email __________________________________________________________
Other __________________________________________________________

The Complainant is (please check one):
☐ a faculty member ☐ a student
☐ a staff member ☐ not affiliated with the College
For faculty, staff, & students, indicate whether ☐ current or ☐ former

Information Regarding the Respondent:
Name of the Respondent: _________________________________________________________

The Respondent is (please check one):
☐ a faculty member ☐ a student
☐ a staff member ☐ not affiliated with the College
For faculty, staff, & students, indicate whether ☐ current or ☐ former

Information Regarding the Alleged Sexual Misconduct:
Time and date of the alleged Sexual Misconduct: ___________________________________________

Location of the alleged Sexual Misconduct:
☐ On campus: __________________________________________________________
☐ Off campus: __________________________________________________________

Witnesses or third parties who may have information regarding the alleged Sexual Misconduct:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Please provide a brief description of the alleged Sexual Misconduct:
You may wish to consider including, among other things, some or all the following information in your description: the gender of the parties, the relationship between the parties, whether one or more of the parties were under the influence of alcohol or drugs at the time of the alleged Sexual Misconduct, whether the Respondent used pressure or force (physical or otherwise) in the course of the alleged Sexual Misconduct, and the frequency (if applicable) of the alleged Sexual Misconduct.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Please feel free to use the reverse side of this form or separate pages to continue your description, if desired.

________________________________________________________________________

Institutional Equity Office Representative ___________________________ Date Received ____________