Cottey College Title IX Grievance Procedure for Students Alleging Discrimination or Harassment Based on Gender, Including Sexual Harassment

Purpose:
Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any educational programs, including those at Cottey College. The College provides this grievance procedure because it is critical that students are treated fairly and receive prompt responses to problems and complaints concerning sex discrimination, including allegations of sexual harassment or sexual violence made against another student, a faculty or staff member, or a third party. This grievance procedure is adopted to ensure prompt and equitable resolution of any claims.

Cottey College’s Title IX Coordinators are available to assist with this procedure, and students should freely use this procedure without fear of retaliation. The College will work to ensure that all issues are addressed appropriately and that no student will be retaliated against.

A student who believes she has been discriminated against or harassed is free and encouraged to discuss the problem, in confidence, with the College’s Counseling Center, College Health Services, the director of spiritual life and campus diversity, or other private professional providers. In addition, no College policies or procedures in any way proscribe a student’s rights to report to law enforcement authorities conduct that she believes may be criminal.

1. How to Report Student Complaints of Discrimination Based on Gender, Including Sexual Harassment.

Student complaints alleging that another student, an employee, or a (non-student) third party on campus violated the College’s Equal Employment Opportunity or Professional Conduct and No Harassment Policy should be reported to a Title IX coordinator. The following individuals are Title IX coordinators at Cottey College:

Primary Student: Mari Anne Phillips, Ed.D.
Vice President for Student Life
Cottey College
1000 W. Austin Boulevard
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(417) 667-8181 ext. 2126
mphilips@cottey.edu

Primary Employee: Betsy McReynolds
Director of Human Resources
Cottey College
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(417) 667-8181 ext. 2103
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Although a student is free to report allegations of inappropriate conduct to either coordinator (or other College employees), most reports by students will be referred to the vice president for
student life and that person is a good primary contact for most student issues. The Title IX Coordinators likely will collaborate to investigate and respond to the complaint.

A written statement should be provided to the Title IX coordinator as soon as possible. The written statement (if available) and this procedure will be provided to the accused, the complainant, and the appropriate vice president. If the complaint relates to an employee, the Title IX Coordinator for employees will notify the relevant vice president as soon as possible after receiving the complaint.

2. **Grievance Procedure Applicable to Complaints of Gender Discrimination, Including Sexual Harassment.**

This procedure applies to complaints by a student alleging a violation of the College Equal Employment Opportunity or Professional Conduct and No Harassment Policy and stating that she has been discriminated against or harassed because of her gender.

After receiving a report, a Title IX Coordinator will initiate an initial investigation by notifying the accused that a complaint has been filed against her or him and inform her or him of the nature of the complaint, providing a written copy of the complaint to the accused (if available). The Title IX Coordinator will explain the process and the relevant avenues of redress to the complainant and the accused and provide them a written summary of the process.

**Informal Procedures**

The informal procedures (mediation) are designed to resolve complaints quickly, efficiently, and to the mutual satisfaction of all parties involved. Where circumstances allow, and both parties agree to participate, informal procedures will be initiated as soon as possible and within five school days, absent any unusual circumstances. A complainant may elect to terminate a formal complaint process and enter into mediation at any point, including after the commencement of the formal process.

Mediation is a voluntary process intended to allow the parties involved in an alleged complaint of discrimination or harassment to discuss their respective understandings of the incident with each other through the assistance of a trained mediator. Mediation is designed to encourage each person to be honest and direct with the other and to accept personal responsibility where appropriate. Mediation is only offered as an option if both the complainant and the accused student are members of the Cottey College community and agree to participate. Informal mediation is not appropriate for certain cases, such as alleged sexual assaults, even on a voluntary basis.

Upon the consent of all parties to the complaint, the Title IX Coordinators, or other appropriate individuals, will seek an outcome through mediation conducted by qualified College staff member or an external professional engaged by the College. Any resolution through mediation also must be mutually agreed upon by all parties to the complaint. In certain circumstances, the Title IX Coordinators may use the services of an Employee Assistance Program counselor to assist in resolving a complaint. Both the complainant and the accused have the right to bypass or end the informal complaint process at any time in order to begin the formal stage of the complaint process.
**Formal Procedures**

If the allegation of harassment is not resolved by the informal procedures or is inappropriate for mediation, a formal investigation will be initiated.

The party making the allegations should provide a formal written complaint to the Title IX Coordinator. The accused then will be afforded fourteen (14) calendar days in which to provide a written response to the allegations. A copy of any response will be provided to the complainant.

The Title IX coordinator will then conduct an investigation. The investigation of all formal complaints shall include interviews of (i) the complainant, (ii) the accused, and (iii) any witnesses and other persons identified as having relevant information related to the alleged incidents, so long as they agree to be interviewed. The parties will have the opportunity to present witnesses and other evidence for consideration by the Title IX coordinator. The Title IX Coordinator shall have the authority to take all reasonable and prudent interim measures to protect both parties pending completion of the investigation and during the informal or formal procedures to resolve the complaint.

**Allegations of Conduct by Another Student**

A complaint that a student has engaged in unlawful discrimination/harassment or sexual harassment (including, but not limited to, sexual assault or sexual misconduct) in which a formal hearing is sought must be made in writing to the vice president for student life, by filing a disciplinary grievance form. All investigations shall be conducted as expeditiously as possible, and the College will strive to be complete them within (30) schooldays after receipt of the complaint, except where the complainant agrees that a longer period of time would be appropriate or circumstances require it. A report of the findings of the investigation shall be provided to the complainant and the accused, and to the Title IX Student Hearing Board (the “Board”) if a formal hearing is held. More information on the Board and its procedures is contained below.

Generally, a formal hearing will take place before the Board. Complainants and accused students have the right to be present during any formal hearing. If complaints are made near the end of the semester, or in other circumstances where the vice president for student life determines that the complaint cannot otherwise be resolved in a timely manner, other procedural options may be considered in consultation with the student who raised the issue. In particular, a hearing under these circumstances may instead take the form of an administrative hearing by a designee of the vice president for student life. The student will have the same rights regardless of the hearing format. If a formal hearing takes place, the hearing procedures set forth in the Cottey College Student Handbook will apply.

The hearing procedures, outcomes, and appeal rights and process are generally those detailed in the Major Grievance Procedure found in the Cottey College Student Handbook. All students who file a complaint will be informed of a likely timeline for resolution at the beginning of the adjudicative process, notified in writing of the outcome at the end, and allowed to appeal any decision. All decisions will be made using a preponderance of the evidence standard.
Allegations of Misconduct by a College Employee

If a student alleges misconduct by an employee, she will be entitled to the same basic rights, protections, and procedures explained above (prompt resolution, the right to present witnesses and evidence, appeal, etc.). Any hearing, however, will be an administrative hearing in front of the appropriate College vice president. If allegations are made against a faculty member, the vice president for academic affairs will hear the evidence and decide the outcome. If allegations are made against another College employee, the vice president for administration and finance will hear the evidence and decide the outcome. Allegations against a College employee will not be heard by the Title IX Student Hearing Board.

Regardless of against whom allegations are made, all students can be assured the College will work with them to promptly and equitably resolve their issues and that in no instance will any student be retaliated against for bringing an issue to either a Title IX coordinator or another College employee.

Title IX Student Hearing Board

Composition and Purpose

The vice president for student life/Title IX Coordinator for students will appoint the College’s Title IX Student Hearing Board. The Board will be composed of selected trained professional faculty and staff members who serve in the Cottey College Disciplinary System. The assistant vice president for student life or her designee will serve as the chair of the Board.

Formal Adjudication by the Board

A hearing before the Board is the formal adjudication of a complaint of discrimination, harassment, or sexual harassment (including, but not limited to, sexual assault or sexual misconduct) made by a student against another student. The Board will seek to encourage an open exchange of information within the rules of confidentiality articulated in these procedures. While the Board’s procedures are designed to ensure due process for the parties involved, the Board is not bound by the rules of criminal or civil procedure that govern judicial proceedings in court. A finding of responsibility must be supported by a “preponderance of the evidence.” A “preponderance of the evidence” means that it is more likely than not that the accused student is responsible for committing the act or acts complained of.

See the Cottey College Student Handbook for a description of the formal disciplinary hearing process. The hearing procedures that are outlined in the Cottey College Student Handbook will generally apply, with the following exceptions:

1. **Timelines:** The timelines outlined will be amended to allow for a minimum of 30 days to conduct a formal investigation.

2. **Questioning:** Only the chair and Board members may ask questions of hearing participants. The complainant and accused student may however, ask the Chair to pose additional questions or inquire further into specific matters by submitting these requests in writing. If necessary, a brief recess may be granted to allow both parties an opportunity to prepare and submit such requests.
3. **Appeals:** Either the accused student or the complainant may appeal the Board's decision by notifying the vice president for student life in writing within (3) school days of the date of the Board's decision. See the appeals process outlined in the Cottey College Student Handbook.