**HEARING**

Parties have the right to a Hearing Advisor of their choosing. The Hearing Advisor may actively participate in the Hearing.

If a Party does not have a Hearing Advisor present at the Hearing, the college will provide, without fee or charge to that Party, a Hearing Advisor of the college's choice to conduct

cross-examination on behalf of that Party. The college-provided Hearing Advisors will not be attorneys.

At least 10 days after the Investigation Report is provided, the Hearing Officer shall convene a live Hearing. The Hearing Officer will provide to the Parties and any witnesses whose participation is invited or expected written notice of the date, time and manner of the Hearing. All Parties, witnesses and other participants will appear at the live Hearing virtually, with technology enabling the Hearing Officer and participants to simultaneously see and hear the Party and witnesses answering questions. The college will create an audio or audiovisual recording or a transcript of the Hearing and make it available to Parties for inspection and review

upon request.

At the hearing, each Party's Hearing Advisor will conduct cross-examination of the other Party and any adverse witnesses. Such cross-examination must be conducted directly, orally, and in real time by the Party's Hearing Advisor and never by a Party personally.

Before a Party or witness answers a cross-examination question, the Hearing Officer must determine whether the question is relevant and, if the Hearing Officer refuses to allow a particular question, the Hearing Officer must explain their decision to the Parties and document the reasons for refusal on the record.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a Party or witness does not submit to cross-examination at the Hearing, the Hearing Officer must not rely on any statement of that Party or witness in reaching a determination regarding responsibility. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live Hearing or refusal to answer cross-examination or other questions.

# K. DETERMINATION, SANCTIONS AND REMEDIES

Within 14 days following the Hearing, the Hearing Officer shall make a written determination whether a violation of the Title IX Harassment Policy has occurred and shall simultaneously send the Complainant and the Respondent the written determination and final outcome of the matter, including sanctions, if any, by certified or express mail, electronic mail or hand delivery. That written determination shall include:

1. An identification of the section(s) of the Title IX Harassment Policy alleged to have been violated;
2. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and Hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the Title IX Harassment Policy to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
6. Any sanctions the college imposes on the Respondent;
7. Any remedies provided to the Complainant designed to restore or preserve access to the

college’s education program or activity;

1. A determination of whether the Formal Complaint was knowingly false or malicious; and
2. The college's procedures and permissible bases for Parties to appeal.

The determination regarding responsibility becomes final either on the date that the College

President provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The appropriate Vice President, or Dean is responsible for imposing the sanction. In case of a student as the Respondent, the appropriate Executive Director is from the office of student life.

Sanctions will be decided on a case-by-case basis, must be reasonable proportionate to the seriousness of the violation, and will be in accordance with the college’s policy. Possible sanctions for employees include, but are not limited to, the following: a letter of reprimand, suspension or leave of absence without pay, reassignment of teaching or other responsibilities, removal of graduate faculty certification, denial of a merit pay increase, demotion, probation or termination. Sanctions for students are listed in the Regulations Governing Student Conduct and include, without limitation, verbal or written warnings. restrictions, probation, probated suspension, suspension, degree deferral or expulsion as well as restrictions on employment and/or access to college property and related organizations.

Except as provided herein, sanctions imposed pursuant to these Title IX Procedures may not be appealed or made the subject of a grievance under any other college policy.

If the accused is a faculty member and the sanction is to recommend termination of employment, the procedures for termination of a faculty member will be followed; provided, however, that the report of the college Investigator and the written determination of the Hearing Officer shall be accepted into evidence at the faculty member's termination hearing without the necessity of the Complainant testifying as a witness.

Remedial measures for students, faculty and staff will be decided on a case-by-case basis. Such measures may include providing an escort to ensure safe movement on campus; ensuring that the Complainant and Respondent do not share classes or extracurricular activities; reassignment of residence halls; tutoring or other academic support; arranging for extra time to complete or re­ take a class or withdraw from a class without academic or financial penalty; job reassignment; targeted training for a group of students, faculty or staff; and other remedies that can be tailored to the needs of the Parties. The Title IX Coordinator is responsible for the effective implementation of any remedies.

In the event the charge of Title IX Harassment is not substantiated following the written determination of the Hearing Officer, reasonable efforts may be taken to restore the Respondent(s) to their prior status.