

# **RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF OTHER CIVIL RIGHTS OFFENSES (PROCESS “B”)**

Lackawanna College will act on any formal or informal allegation or notice of violation of the Policy on Equal Opportunity, Harassment and Nondiscrimination (“the Policy”) that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as “Process B.”

“Process B” applies to:

- Allegations of Protected Class Harassment (as defined in the Policy on Equal Opportunity, Harassment, and Nondiscrimination)
- Allegations of Other Civil Rights Offenses (as defined in the Policy on Equal Opportunity, Harassment, and Nondiscrimination)
- These procedures apply to conduct that takes place on the campus or on property owned or controlled by the College, at College-sponsored events, or in buildings owned or controlled by College recognized student organizations; and also, to off-campus conduct that affects a substantial College interest or effectively deprives someone of access to Lackawanna College’s educational program.

These procedures may also be used to address collateral misconduct (i.e., vandalism, physical abuse of another, etc.). If the alleged conduct stems from the same event or course of conduct, it will be processed and adjudicated through “Process B” at the same time.

## **1. Notice/Complaint**

Formal Complaints must be submitted to the Title IX Coordinator or Deputy Title IX Coordinator(s). The complaint must be filed in writing and contain the Complainant's name and contact information. The Formal Complaint must clearly illustrate the alleged issue/discriminatory action and the remedy or relief sought.

Upon receipt of a complaint or notice to the Title IX Coordinator or Deputy Title IX Coordinator(s) of an alleged violation of the Equal Opportunity, Harassment, and Nondiscrimination Policy, the College initiates a prompt initial assessment to determine the next steps the College needs to take.

## **2. Initial Assessment**

Following intake, receipt of notice, or a complaint of an alleged violation of the College’s Nondiscrimination Policy, the Title IX Coordinator and/or Deputy Title IX Coordinator(s) engages in an initial assessment, which is typically one to five (1-5) business days in duration. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator notifies the Complainant (and Respondent eventually) that they may have an Advisor present. Advisors are allowed solely for the purpose of support and may not serve as representatives of the Complainant or Respondent. Any Advisor who oversteps their role will be warned and/or prohibited from being present.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive response or an Administrative Resolution.

- If a supportive and remedial response is preferred, the Title IX Coordinator(s) works with the Complainant to identify their wishes and then seeks to facilitate implementation. The Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
- If an Informal Resolution option is preferred, the Title IX Coordinator(s) assesses whether the complaint is suitable for Informal Resolution, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
- If Administrative Resolution is preferred, the Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:
  - Incident, and/or
  - A potential pattern of misconduct, and/or
  - A culture/climate issue.
- In many cases, the Title IX Coordinator may determine that an Individualized Risk Assessment (IRA) should be conducted by the BIT Team as part of the initial assessment. An IRA can aid in critical and/or required determinations, including:
  - Emergency Removal of a Respondent who is a threat to health/safety;
  - Whether the Title IX Coordinator should pursue Administrative Resolution absent a willing/able Complainant;
  - Whether to put the investigation on the footing of incident and/or pattern and/or climate;
  - To help identify potentially predatory conduct;
  - Whether a complaint is amenable to Informal Resolution;
  - Whether to communicate with a transfer Recipient about a Respondent;
  - Assessment of appropriate pathways/remedies;
  - Whether a Clery Act Timely Warning/ Trespass order/Persona-non-grata is needed.

Based on the initial assessment, the College will initiate one of two responses:

- **Informal Resolution:** typically used for less serious offenses and only when all parties agree to Alternate Resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.
- **Administrative Resolution:** investigation of policy violation(s) and recommended finding, subject to a determination by Decision-makers and the opportunity to appeal to an Appeal Decision-maker.

The investigation and the subsequent Administrative Resolution determine whether the Nondiscrimination Policy has been violated. If so, the College will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. At any point during the initial assessment or formal investigation, if the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

### **3. Counterclaims**

Counterclaims by the Respondent may be made in good faith but are also sometimes made for purposes of retaliation. The College is obligated to ensure that any process is not abused for retaliatory purposes.

The College permits the filing of counterclaims, but uses the initial assessment as described above, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this Policy.

### **4. Resolution Options**

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with College Policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose, but are encouraged to use prudence before doing so. Each resolution process is guided by the same principles of fairness and respect for all parties. Resources are available for both students and employees, whether as Complainants or Respondents, to provide support and guidance throughout the resolution process and procedures.

#### **a. Informal Resolution**

Informal Resolution can include two different approaches:

- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a Formal Complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue the Formal Grievance Process (Administrative Resolution), and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, Lackawanna College will provide the Parties with written notice of the reported misconduct and any pathways or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College.

The College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

The Title IX Coordinator, in consultation with other College administrators, may look to the following factors to assess whether Informal Resolution is appropriate:

- Likelihood of potential resolution, taking into account any power dynamics between the Parties;
- The Parties' motivation to participate;
- Civility of the Parties;
- Results of an individualized risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Complaint complexity;
- Emotional investment/capability of the Parties;
- Rationality of the Parties;
- Goals of the Parties

The Title IX Coordinator maintains records of any Informal Resolution that is reached, and failure to abide by a resolution agreement may result in appropriate responsive/disciplinary actions.

#### **b. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria listed in the section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the College are able to agree on responsibility, pathways, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of the College's policy and implements agreed-upon pathways and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the Parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

#### **c. Negotiated Resolution**

The Title IX Coordinator, with the consent of the parties, may negotiate and implement any agreement to resolve the allegations that satisfies all parties and the College. If the parties are unable to agree on the outcomes of the negotiated resolution, any party may request that the matter be resolved through the Formal Grievance Process. Additionally, if one of the parties fails to comply with the terms of the Negotiated Resolution, the matter may be referred for a Formal Grievance Process. Negotiated Resolutions are not appealable.

## **5. Administrative Resolution**

Administrative Resolution can be pursued for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by the Equal Opportunity, Harassment, and Nondiscrimination Policy at any time during the process.

### **a. Investigation**

Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties, informing them that an investigation has been initiated. Notification may be delivered by one or more of the following methods: in person or emailed to the parties' College-issued or designated email account. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview. Once emailed and/or received in-person, notice will be presumptively delivered.

Complainants are encouraged, but not required, to participate in the College's investigation and resolution process. If a Complainant chooses not to participate in a full investigation and/or disciplinary proceeding, the College may assist the Complainant in seeking an Informal Resolution (as described above). When a Complainant requests that an investigation not occur or requests confidentiality, the College will make every reasonable effort to comply with that request. However, there may be circumstances when the College decides to proceed with an investigation despite the request of a Complainant. In such cases, the Complainant will be notified.

Upon the decision to commence an investigation, a trained College investigator(s) is appointed. The Title IX Coordinator generally works with other College administrators to determine the appropriate individual(s) to investigate. The Parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator, concerns should be raised with the Provost.

Investigations are completed expeditiously, though some investigations take longer depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

At the conclusion of the fact gathering phase of the investigation, the Complainant and Respondent shall both be given an opportunity to review a draft investigative report and

within five (5) business days, offer any additional information or comment or request that additional investigative steps be taken. The investigator(s) will take any additional information into consideration before finalizing the report. The final investigation report will then be promptly submitted to the Decision-makers to make a determination based on a preponderance of the evidence.

The notification should include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

#### **b. Determination**

Within five (5) business days of receiving the investigation report, the Decision-makers review the final report and all responses, and then make the final determination on the basis of the preponderance of the evidence.

If the record is incomplete, the Decision-makers may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The Decision-makers may invite and consider impact statements from the parties if and when determining appropriate pathway(s), if any.

The Title IX Coordinator then timely provides the parties with a written Notice of Outcome to include findings, any pathway(s), and a detailed rationale, delivered simultaneously (without undue delay) to the parties.

When the Respondent is an employee, the Notice of Outcome may not describe the full extent of the final determination regarding pathways as employee rights may require additional time to formulate appropriate disciplinary measures. Regardless, immediate measures will be implemented to ensure the harassment and discrimination is stopped, remedied, and any recurrence is prevented. The Title IX Coordinator and/or designated HR Title IX Representative, will communicate these measures, as permitted, on an updated basis to both parties. The Title IX Coordinator and/or designated HR Title IX Representative, will also communicate with both parties when a determination regarding pathways is final.

Generally, College-issued email is the primary means of communication, however alternative methods of communication may also be utilized if requested.

### **6. Resolution Timeline**

The College will make a good faith effort to complete the resolution process as promptly as possible. This typically will be within a thirty to sixty (30-60) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

In all cases, the College will ensure discrimination/harassment is stopped, remedied and prevented from recurrence regardless of any extended procedures or timelines.

### **7. Pathways**

Factors considered when determining a pathway/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s);
- The Respondent's disciplinary history;
- Previous allegations or allegations involving similar conduct;
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation;
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation;
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community;
- The impact on the parties;
- Any other information deemed relevant by the Decision-makers

The pathways will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The pathways described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

#### **a. Student Pathways**

The following are the usual pathways that may be imposed upon students or organizations singly or in combination:

- **Probation**: Includes a period during which the student must demonstrate the ability to comply with the College's rules and regulations, as well as any imposed pathways. The length of the probationary period can vary from one (1) year to the balance of the students' tenure at the College, depending on the severity of the offense(s). While on probation, any further violation of College policy may result in disciplinary suspension or dismissal from the College.
- **Deferred Suspension**: This is the highest level of probation, in which any continued misconduct or non-compliance with pathways and provisions on the student's part will result in Dismissal with Appeal by the Dean of Students. In the case of an overturned disciplinary suspension or dismissal, the student will remain on Deferred Suspension. If a disciplinary suspension or dismissal occurs with a student who was not previously placed on Deferred Suspension and it is overturned, they will then be placed on Deferred Suspension. In the case of a second disciplinary suspension or dismissal, it will be without appeal. Students who are permitted to return to the College following a period of Disciplinary Suspension will be automatically placed on Deferred Suspension if found responsible for violation of College policy.
- **Suspension from Activities**: All students (including student-athletes) may be suspended from any Lackawanna College extracurricular activities until the student is actively participating in the pathways given. All student-athletes are suspended for a minimum of one game and remain suspended until the student is actively participating in the pathways given.
- **Housing Suspension**: This pathway indicates that a student has been excluded from the resident housing and the general grounds or parking lots surrounding

the resident housing, including activities sponsored or supervised by the housing staff.

- **Disciplinary Suspension**: Separation of the student from the College for a specified period of time. While suspended, a student loses all rights and privileges and may not represent the College in any way. A student who is suspended is not in good standing with the College. Disciplinary Suspension may entail provisions added to a student's reentry into the College.
- **Restitution**: Reimbursement to the College for damage, destruction, or misappropriation of property on College premises. When imposed, restitution will be made in addition to any previously defined pathways. Restitution to other students can also be imposed.
- **Fines**: Penalty fees paid to the College. The amount is dependent upon the degree of policy infraction and is set by the College administration. Fines are not subject to negotiation and can be levied in addition to other pathways and/or restitution.
- **College Dismissal**: This indicates permanent separation from Lackawanna College. Students will be withdrawn from all enrolled courses by the College. The student will not be allowed to re-enroll at a future time. In accordance with federal and state regulations, all room and board payments will be forfeited.
- **Loss of Privileges**: Denial of specified privileges for a designated period of time.
- **Withholding Diploma**: The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student is found responsible for an alleged violation.
- **Revocation of Degree**: The College reserves the right to revoke a degree awarded from the College for fraud, misrepresentation or other violation of College policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Other Actions**: In addition to or in place of the above sanctions, the College may assign any other pathways as deemed appropriate.

#### **b. Employee Sanctions**

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Employee termination from the College
- Unpaid suspension
- Restrictions from all or portions of campus
- Change in working facility
- Mandated education
- Written reprimand in personnel file
- Removal from classroom teaching
- Tenure revocation
- Withhold salary increase (from one to several years)
- Removal of endowed chair
- Removal of emeritus status
- Removal of graduate school status
- Termination of research project funding
- Removal from administrative position



- Verbal reprimand
- Required participation in counseling or training
- Demotion
- Change to reporting structure
- Reinstatement of an employment probationary period
- Other Actions: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

## **8. Withdrawal or Resignation While Charges are Pending**

### **Students:**

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent withdraw from the College, the College will typically proceed with the Formal Grievance Process.

When determining to proceed with the Formal Grievance Process after a Respondent withdraws from the College, the Title IX Coordinator will base the decision on reasons that may include whether a Respondent poses an ongoing risk to the College's community, whether a determination regarding responsibility provides a benefit to the Complainant even where the College no longer has control over the Respondent and would be unable to issue disciplinary pathways, or for other reasons.

The student who withdraws or leaves while the process is pending may be barred from College property and/or events during this time. Moreover, if the student is found to have violated this Policy, the student is not permitted to return to the College unless and until all pathways have been satisfied. Accordingly, a hold will be placed on their ability to be readmitted.

The College will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

### **Employees:**

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the College no longer has disciplinary jurisdiction over the resigned employee.

However, the College will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the College, and the records retained by the Title IX Coordinator will reflect that status.

## **9. Appeals**

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

A single Appeal Decision-Maker will be designated to hear the appeal. No appeal panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Decision-Maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

**a. Grounds for Appeal**

Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-Maker and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-Maker will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-makers.

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-makers will be emailed and/or provided a hard copy of the request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Decision-Maker and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-makers, as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-Maker will collect any additional information needed and will render a decision in no more than ten (10) business days, barring exigent circumstances. All decisions appeal the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any pathways that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' College-issued email or otherwise approved account. Once emailed and/or received in-person, notice will be presumptively delivered.

### **b. Pathways Status During the Appeal**

Any pathways imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the pathways are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures detailed in the Policy for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

### **c. Appeal Considerations**

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the pathway(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for an Appeal Decision-maker to substitute their judgment for that of the original Decision-makers merely because they disagree with the finding and/or pathway(s).
- The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-makers for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-makers.
- The results of a remand to a Decision-makers cannot be appealed.
- In cases in which the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

## **10. Long-Term Remedies/Actions**

Following the conclusion of the resolution process, and in addition to any pathways implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services;
- Referral to the Employee Assistance Program;
- Education to the community;
- Permanent alteration of housing assignments;
- Permanent alteration of work arrangements for employees;
- Provision of campus safety escorts;
- Climate surveys;
- Policy modification;
- Provision of transportation accommodations;
- Implementation of long-term contact limitations between the parties;
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedial requirements owed by the College to the Respondent.

The College will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the College's ability to provide these services.

## **11. Failure to Comply with Pathways and/or Interim and Long-term Remedies and/or Responsive Actions**

All Respondents are expected to comply with the assigned pathways, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-makers (including the Appeal Decision-Maker).

Failure to abide by the pathway(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional pathway(s)/action(s), including suspension, expulsion, and/or termination from the College and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

## **12. Recordkeeping**

Lackawanna College will maintain for a period of at least seven years records of:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- Any disciplinary pathways imposed on the Respondent;
- Any remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity;

- Any appeal and the result therefrom;
- Any Informal Resolution and the result therefrom;
- All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Lackawanna will make these training materials publicly available on College's website; and
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - The basis for all conclusions that the response was not deliberately indifferent;
  - Any measures designed to restore or preserve equal access to the College's education program or activity; and
  - If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The College will also maintain any and all records in accordance with state and federal laws.

### **13. Disabilities Accommodations in the Resolution Process**

Lackawanna College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's resolution process.

Anyone needing such accommodations or support should contact the Director of Disability Services (students) or Human Resources (employee), who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

### **14. Revision of this Policy and Procedures**

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This Policy and procedures are effective August 14, 2020.