

CIVIL RIGHTS COMPLAINT PROCEDURE

<i>Policy Reference(s):</i>	II.01; II.02
<i>Responsible Department(s):</i>	Office of Institutional Diversity & Inclusion; General Counsel
<i>Approval Date:</i>	9/25/2015
<i>Revision Date(s):</i>	8/1/2016

CCAC NON-DISCRIMINATION POLICY:

The College does not discriminate and prohibits discrimination against any individual based upon race, color, religion, national origin, ancestry or place of birth, sex, gender identity or expression, perceived gender identity, sexual orientation, disability, use of a service animal due to disability, marital status, familial status, genetic information, veteran status, age or other classification protected by applicable law in matters of admissions, employment, services or in the educational programs or activities that it operates. Harassment that is based on any of these characteristics, whether in verbal, physical or visual form, constitutes a form of prohibited discrimination. This includes harassing conduct which affects tangible job benefits, unreasonably interferes with an individual's academic or work performance or which creates what a reasonable person would perceive to be an intimidating, hostile or offensive work or educational environment.

It is further the Policy of the College to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination based on gender or sex in the College's educational programs and activities, as well as the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Campus Sexual Violence Elimination Act (SaVE Act). Conduct prohibited under Title IX, the Clery Act and the SaVE Act includes sexual harassment, sexual misconduct and acts of sexual violence, including sexual assault, domestic violence, dating violence and stalking.

SCOPE OF PROCEDURE:

The Community College of Allegheny County has adopted these internal grievance procedures in order to provide for the prompt, fair and impartial investigation and resolution of complaints alleging discrimination, harassment and/or retaliation in violation of College Policy and/or federal, state or local civil rights laws, including those laws enforced by the U.S. Department of Education, Office of Civil Rights (OCR) and the Equal Employment Opportunity Commission (EEOC):

- **Title VI** of the Civil Rights Act of 1964 prohibits Discrimination on the basis of race, color and national origin.
- **Title IX** of the Education Amendments of 1972 prohibits Discrimination on the basis of sex /gender; including sexual misconduct, sexual harassment and/or sexual violence.
- **Section 504** the Rehabilitation Act of 1973 prohibits Discrimination on the basis of disability.
- **Age Discrimination Act** of 1975 prohibits Discrimination on the basis of age.
- **Title VII** of the Civil Rights Act of 1964 (governed by U.S. Dept. of Labor), as it relates to employment.
- **Title II** of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination

by public entities, whether or not they receive federal financial assistance)

This Procedure is available and applicable to all members of the College community:

Students, Employees, Guests and Independent Contractors/Third-Party Vendors.

The types of prohibited behavioral misconduct that are covered by these Procedures described herein include, but are not limited to:

- **Discrimination** on the basis of actual or perceived membership in a protected class
- **Harassment** on the basis of actual or perceived membership in a protected class
- **Bullying** on the basis of actual or perceived membership in a protected class
- **Hazing** on the basis of actual or perceived membership in a protected class
- **Intimidation** on the basis of actual or perceived membership in a protected class
- **Sexual Misconduct Offenses:**
 1. Sexual Assault
 2. Sexual Harassment
 3. Domestic Violence
 4. Dating Violence
 5. Sexual Exploitation
- **Stalking** on the basis of actual or perceived membership in a protected class
- **Cyber-bullying, cyber-stalking** and/or **cyber-harassment** on the basis of actual or perceived membership in a protected class

Additional actions that are covered under this Procedure include, but are not limited to:

- **Denial** of reasonable accommodations for individuals with documented disabilities
- **Denial** of reasonable accommodations for pregnant students or employees
- **Not Honoring** dedicated attendance procedure for pregnant students (see page 17)

This Procedure **does not** apply to academic complaints, with the following exceptions:

- Complaint alleges that an academic decision was determined as a result of discrimination and/or harassment
- Complaint alleges that an individual was denied participation in an academic program or activity due to discrimination and/or harassment
- Complaint alleges that discrimination and/or harassment impacted or altered an individual's ability to perform academically

PROCEDURAL JURISDICTION:

This Procedure applies to conduct that takes place in the following:

- Campuses and centers (inclusive of parking lots and grounds)
- Office of College Services (OCS)
- Any activity that is sanctioned, organized or coordinated by the College, on or off campus, including but not limited to:
 - Clinicals, internships and externships
 - Study abroad programs
 - Community activities
 - Off campus sites offering non-credit classes and/or programs

DEFINITIONS:

- **Complainant(s)**—is a person who is subject to alleged protected class discrimination, harassment or related retaliation.
- **Respondent(s)**—is a person whose alleged conduct is the subject of a complaint.
- **Discrimination**—actions that deprive members of the College community of educational, extracurricular (including athletics) or employment access, benefits or opportunities on the basis of their actual or perceived membership in a protected class.
- **Harassment**—acts of systematic and/or continued unwanted actions of one party or a group, including verbal abuse, threats and demands.
- **Bullying**—repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally.
- **Intimidation**—implied threats or acts that cause an unreasonable fear of harm in another.
- **Stalking**—repeatedly following or committing other acts upon a person with intent to place the person in reasonable fear of bodily injury, or otherwise cause the person substantial emotional distress.
- **Sexual Assault**—a person engaging in sexual intercourse or deviate sexual intercourse with another person without their consent; includes rape, fondling, grabbing someone sexually, sexual harassment, stalking, domestic and dating violence and many other behaviors.
- **Sexual Harassment**—unwelcome, gender-based verbal or physical conduct is sufficiently severe, pervasive and objectively offensive that unreasonably interferes with or deprives someone of educational or employment access, benefits or opportunities.

Three (3) types of Sexual Harassment:

1. **Hostile Environment Sexual Harassment** includes any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it alters the terms or conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.
2. **Quid pro quo Sexual Harassment** exists when there are: unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and

submission to or rejection of such conduct results in adverse educational or employment action.

3. Retaliatory Harassment is any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct.

- **Domestic Violence**—one or more of the following acts occurring between family or household members, sexual or intimate partners or people who have a child in common: purposefully or recklessly causing or attempting to cause bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault, incest or false imprisonment.

As used herein, the phrase "family or household members" refers to current or former spouses, persons who live or have lived as spouses, parents and children, other persons related by blood or marriage, current or former intimate or sexual partners or persons who have a child in common.

- **Dating Violence**—abusive behavior or a pattern of abusive behaviors used to exert power and control over a dating partner. Whether such a relationship exists will be gauged by the length, type and frequency of interaction between the partners.
- **Sexual Exploitation**—behavior that takes non-consensual or abusive sexual advantage of another for the abuser's advantage or benefit, or to benefit or advantage anyone other than the one being exploited, examples are, but not limited to:
 - prostituting another student;
 - non-consensual video or audio-recording of sexual activity;
 - going beyond the boundaries of consent (such as letting your friends hide to watch you having consensual sex);
 - engaging in peeping behaviors;
 - knowingly transmitting an STI or HIV to another student.
- **Consent**—knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity. Previous relationships or consent cannot imply consent to future sexual acts. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior or coercion. If you have sexual activity with someone you know to be—or should know to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this Procedure. Use of alcohol or other drugs will never function to excuse behavior that violates this Procedure.
- **Reasonable Accommodation for students**—approved modifications of programs, appropriate academic adjustments or auxiliary aids that enable them to participate in and

benefit from all educational programs and activities, unless to do so would cause undue hardship.

- **Reasonable Accommodation for employees**—any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions, unless to do so would cause undue hardship.

GUIDANCE ON REPORTING A COMPLAINT:

Prompt reporting is encouraged, because facts often become more difficult to establish as time passes. The College will take prompt and appropriate action in response to all reports in order to end the conduct, prevent its recurrence and address its effects. The ability of the College to take disciplinary action against the Respondent is limited if the Respondent is no longer a member of the College community. If the Respondent is a staff member, faculty member or student and leaves the College with a pending complaint, the Respondent will not be permitted to return to the College until the complaint is resolved through this complaint procedure.

Due to the potential severe nature of discrimination and/or harassment issues, the Complainant does not have to address the issue directly with the Respondent and/or with the Respondent's supervisor (if applicable), as the initial means of resolution.

Civil rights complaints can be submitted initially in the form of a verbal statement or written complaint. If the complaint progresses to a formal phase, a written statement will be required. If the Complainant does not want to submit a written statement, the Civil Rights Compliance Officer can prepare a statement of facts which is approved by the Complainant. A **Civil Rights Violation Complaint Form** is available for written statements (Appendix A).

- **Students:**

Any student (credit or non-credit) can report misconduct (described above) directly to the Civil Rights Compliance Officer, who is designated as the Title IX and ADA/504 Coordinator for the College. Students can also report misconduct to the Dean of Student Development at the student's home campus, without fear of retaliation.

- **Employees:**

Any employee (faculty, staff or administrator) can report misconduct (described above) directly to the Civil Rights Compliance Officer, the Director and/or Vice President of Human Resources and/or their direct supervisor without fear of retaliation.

- **Guests and Independent Contractors/Third-Party Vendors:**

Any guest or independent contractor/third-party vendor can report misconduct to the Civil Rights Compliance Officer and/or to the Office of Human Resources directly.

If a complaint is reported initially to an administrator, other than the Civil Rights Compliance Officer,

that administrator has an obligation to notify the Civil Rights Compliance Officer within 48 hours. If the Complainant wants to lodge a complaint against one of the above mentioned Reporting Agents, then the Complainant should report to one of the alternative Reporting Agents.

The College prohibits and will not engage in retaliation against any person who in good faith reports a violation, makes a complaint or provides information in connection with the investigation of a complaint made under this Procedure.

MANDATORY EMPLOYEE REPORTING RESPONSIBILITY:

All College employees, including faculty, staff and administrators are required to report any incidences of sexual misconduct or other potential civil rights violations, as described above, of which they become aware, either directly or through a third-party, to the Civil Rights Compliance Officer. Reports should be made in a timely manner, 24-48 hours. The College is required to conduct a prompt, thorough and impartial investigation of sexual misconduct and other civil rights violations regardless of whether or not a formal complaint is filed. Failure to report can result in disciplinary action, up to and including termination.

REPORTING AGENTS' CONTACT INFORMATION:

Sumana Misra-Zets, Civil Rights Compliance Officer/Title IX Coordinator

Allegheny Campus, Byers Hall 316

808 Ridge Avenue

Pittsburgh, PA 15212

412.237.4535

smisra@ccac.edu

Alisha Carter, Civil Rights Investigator

Allegheny Campus, Byers Hall 317

808 Ridge Avenue

Pittsburgh, PA 15212

412.237.4542

acarter@ccac.edu

Kim Manigault, Vice President of Human Resources

Office of College Services, Suite 110

800 Allegheny Avenue

Pittsburgh, PA 15233

412.237-3001

kmanigault@ccac.edu

Roslynne Wilson, EdD, Dean of Student Development

Allegheny Campus, SSC 360

808 Ridge Avenue

Pittsburgh, PA 15212

412.237.2520

rwilson@ccac.edu

Yvonne Burns, Dean of Student Development

Boyce Campus, S571

595 Beatty Road
Monroeville, PA 15146
724.325.6651
yburns@ccac.edu

Mary Lou Kennedy, EdD, Dean of Student Development

North Campus, N3019

8701 Perry Highway
Pittsburgh, PA 15237
412.369.3654
mkennedy@ccac.edu

Kelli Maxwell, PhD, Dean of Student Development

South Campus, B343

1750 Clairton Road
West Mifflin, PA 15122
412.469.6201
kmaxwell@ccac.edu

COMPLAINT INTAKE & PROCESSING:

Informal Phase:

- Following the receipt of a verbal or written complaint, the Civil Rights Compliance Officer will contact the Complainant and acknowledge receipt of notice, within three (3) business days and schedule a fact-finding meeting with the Complainant.
- The Civil Rights Compliance Officer, in conjunction with appropriate administrators (dependent upon the position/status of the Complainant and Respondent) will assess the complaint to determine whether resolution can be achieved through informal measures, such as conflict resolution, mediation and/or educational/training sessions.
- Normally, within seven (7) business days, an initial determination will be made whether a Policy violation may have occurred and/or whether informal measures might be appropriate. If the complaint does not appear to allege a Policy violation or if conflict resolution is desired by the Complainant, and appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to the formal phase. To make this determination, preliminary investigative sessions may be required with the Complainant, Respondent and identified witnesses.
- **Conflict Resolution & Mediation** are often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Civil Rights Compliance Officer, in conjunction with appropriate administrators will be responsible for facilitating a dialogue and/or an educational session for the Complainant and Respondent, either separately or collectively. Failure to abide by the accord can result in

appropriate responsive actions and progression to the formal phase. At any time during the informal phase, any party—Complainant, Respondent or facilitator—can stop the process and advance the complaint to the formal phase.

- **Complaints alleging sexual misconduct will proceed directly to the formal phase.** Informal resolution measures are not appropriate for these types of serious offenses.

Formal Phase:

- If after initial assessment of a complaint, the Civil Rights Compliance Officer, in conjunction with other appropriate administrators, determines that the complaint alleges a possible conduct and/or Policy violation, the complaint will move forward to the formal phase.
- The College is required to internally investigate all Civil Rights complaints, even in the event of a separate external criminal investigation.
- Interim measures to prevent continued discrimination or harassment will be considered and implemented during the investigation period as deemed appropriate. Examples include, but are not limited to: no contact order between the Complainant and Respondent, restrictions from areas of campus, provision of an escort to ensure safety in class and during activities, appropriate changes in academic schedules and/or temporary suspension. Failure to adhere to the parameters of any interim measures is a violation of Policy and may lead to additional disciplinary action.
- The College may suspend a student, employee or organization on an interim basis pending the completion of an investigation. Decisions of suspension, including conditions and duration will depend on the severity of the alleged misconduct and/or if possible pattern of behavior by Respondent exists. Violation of an interim suspension under these Procedures will be grounds for expulsion or termination. An interim suspension of a student or paid leave of absence for an employee may be imposed:
 - in instances where it is determined that the Respondent poses a potential threat to another
 - to ensure the safety and well-being of members of the College community and/or the preservation of College property
 - to ensure the Respondent's own physical or emotional safety and well-being
 - if the Respondent poses a threat of disruption or interference with the normal operations of the College
 - during an interim suspension/paid leave of absence the individual or organization may be denied access to campus, campus facilities and/or all other College activities or privileges for which the Respondent might otherwise be eligible, as the College determines appropriate

When an interim suspension/paid leave of absence is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

- The Civil Rights Compliance Officer will initiate and conduct an investigation, in conjunction with appropriate administrators (dependent upon the status of the Complainant and

Respondent).

- The investigation shall include, but is not limited to, providing the Complainant and the Respondent the opportunity to state their positions, interviewing witnesses and reviewing relevant documents. The investigation shall be concluded within a reasonable time, normally thirty (30) days.
- If the Respondent admits the violation(s), the Civil Rights Compliance Officer, in conjunction with appropriate administrators, will impose appropriate sanctions. Such a disposition will be final and there will be no subsequent proceedings, unless the sanctions include suspension or expulsion. In that case, the Respondent may request a hearing by the Civil Rights Hearing Board (CRHB) (see below for details on the proceedings of this committee). Hearings shall be limited to the issue of sanctions.
- If the Civil Rights Compliance Officer and appropriate administrators determine that disciplinary action should be instituted against an employee Respondent, the employee will be entitled to all due process rights available to the employee under applicable Collective Bargaining Agreements and/or College Policies.

POSSIBLE SANCTIONS:

- For Student Respondents:
 1. **Educational Sanctions:** an activity assigned to provide a student the opportunity to review conduct expectations, understand how behavior can contribute to a positive and beneficial College experience and learn of campus/community resources that support academic and non-academic success. Examples may include, but are not limited to: writing a research or reflective paper, attending seminars, taking online educational activities and/or meeting with members of various College offices.
 2. **Warning:** A formal statement that the behavior was unacceptable and a warning that further infractions of any College Policy, Procedure or directive will result in more severe sanctions/responsive actions.
 3. **Probation:** A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any College Policy, Procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, no contact orders and/or other measures deemed appropriate.
 4. **Suspension:** Termination of student status for a definite period of time not to exceed two (2) years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at College. This sanction will be noted as a Suspension on the student's official transcript.
 5. **Expulsion:** Permanent termination of student status, revocation of rights to be on campus for any reason or attend College-sponsored events. This sanction will be noted as an Expulsion on the student's official transcript.
 6. **Withholding Diploma:** 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 has

a complaint pending or as a sanction if the student is found responsible for an alleged violation.

7. **Organizational Sanctions:** Deactivation, de-recognition, loss of all privileges (including College registration), for a specified period of time.
 8. **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.
- For Employee Respondents:
 1. **Warning**
 2. **Required Training**
 3. **Demotion**
 4. **Suspension Without Pay**
 5. **Termination**
 6. **Other Actions**
 - If the Respondent does not admit to the violation(s), the complaint will be referred for a hearing. Minor complaints will be referred for an administrative hearing and more serious complaints will be referred to the Civil Rights Hearing Board. The Civil Rights Compliance Officer has discretion to determine the severity of the alleged violation(s) and whether informal or formal hearing procedures will apply. Generally, any misconduct that will result in less than separation is considered minor, and any misconduct that is likely to result in suspension, expulsion or termination is eligible for referral to the Civil Rights Hearing Board (CRHB).

COMPLAINANT REQUEST FOR CONFIDENTIALITY OR NO ACTION:

If at any point the Complainant requests that his/her name or other identifiable information be held confidential with respect to the Respondent or decides not to pursue action by the College, the College will make all reasonable attempts to respond to the complaint consistent with the Complainant's request. However, the College's ability to investigate and respond to the conduct may be limited. Recognizing that the College has a legal obligation to review all reports, the College will weigh the Complainant's request against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same Respondent, the College's commitment to provide a reasonably safe and non-discriminatory environment and the rights of the Respondent to receive notice and relevant information before disciplinary action is taken. If the College determines that it is necessary to proceed with the complaint procedure or implement other appropriate remedies, the Complainant will be notified by the Civil Rights Compliance Officer of the College's chosen course of action.

Information provided by College employees shall be shared with other College employees and law enforcement on a "need to know" basis.

CONFIDENTIAL REPORTING SOURCES (COMMUNITY BASED):

- **Pittsburgh Action Against Rape (PAAR)**
81 S 19th St, Pittsburgh, PA 15203
24-hour confidential hotline: 1-866-END-RAPE (1-866-363-7273)
- **Women's Center and Shelter of Greater Pittsburgh**
24-hour confidential hotline: 412-687-8005

FEDERAL TIMELY WARNING OBLIGATIONS:

Victims of sexual misconduct should be aware that College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

CIVIL RIGHTS HEARING BOARD (CRHB)

Due to the complex nature of Civil Rights complaints, and the need for on-going training to ensure proper handling of such complaints, a specialized board, known as the CRHB will process formal civil rights complaints (described above).

- The CRHB will be comprised of, but not limited to the following members:
 - one Dean of Student Development
 - one Dean and/or Associate Dean of Academic Affairs
 - one representative from the Office of Human Resources
 - one representative from Campus Safety & Security
 - one representative from Supportive Services
 - one full-time faculty member
 - alternate administrators will also be identified and trained
 - ***STUDENTS CANNOT SERVE ON THE CHR***

The Civil Rights Compliance Officer will be a non-voting member, responsible for coordination and annual training of the CHR. Any administrator (listed above) that has participated in the initial investigation of the complaint will not serve on the subsequent hearing board, to ensure impartiality.

- Members of the CRHB will be trained in all aspects of the complaint procedure, and can serve in any of the following roles, at the direction of the Civil Rights Compliance Officer:
 - to investigate complaints in conjunction with the Civil Rights Compliance Officer
 - to serve on hearing panels for Civil Rights complaints
 - to serve on appeal panels for Civil Rights complaints
- **Notification of Charges:** At least one (1) week prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the

Civil Rights Compliance Officer will send a letter to the parties with the following information:

- A description of the alleged violation(s), a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result;
- The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence (for compelling reasons, the hearing may be rescheduled);
- Notice that the parties may have the assistance of an adviser of their choice at the hearing. Typically, advisors are members of the College community; however, either party is free to utilize an outside party, including an attorney, as an advisor. Accommodations, including scheduling or rescheduling of interviews or hearings, will not be made for advisers, including attorneys, if the requested accommodation would unduly delay the process. The advisor may not make a presentation or represent the Complainant or Respondent during the hearing. The parties to the hearing are expected to ask and respond to questions on their own behalf, without representation by their advisor. The advisor may consult with the advisee quietly or in writing, or outside the hearing during breaks, but may not speak on behalf of the advisee to the CRHB.

- Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

- Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by College.

- **Record of Proceeding**

Proceedings before the CRHB will be recorded. It is not necessary that a certified court reporter be used in the proceedings. An audio recording or minutes of the proceedings will be sufficient. In the event a transcript of the proceedings is requested, the person so requiring will pay the cost of reproduction.

- **Respondent's Prior Conduct History:** The Civil Rights Compliance Officer and/or Board may consider information about previous behavior and/or complaints regarding the Respondent if:
 1. The Respondent was previously found to be responsible for a similar violation;
 2. The previous incident was substantially similar to the present allegation, even if the individual was not found responsible for a violation; or
 3. The information indicates a pattern of behavior by the Respondent and substantial conformity with the present allegation.

A Respondent's prior conduct will be taken into consideration by the Board (when applicable) or when determining what sanction(s) to recommend or impose.

- **Decisions:** The CRHB will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the violation(s) in question. The CHRB will base its

determination on a **preponderance of the evidence** (i.e., whether it is more likely than not that the accused individual committed each alleged violation). If an individual Respondent or organization is found responsible by a majority of the CHRHB, they will recommend appropriate sanctions to the Civil Rights Compliance Officer.

The Chair will prepare a written deliberation report and deliver it to the Civil Rights Compliance Officer, detailing the finding, how each member voted, the information cited by the panel in support of its recommendation, and any information the CHRHB excluded from its consideration and why. The report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Civil Rights Compliance Officer within two (2) days of the end of deliberations.

- The Civil Rights Compliance Officer will inform the Respondent and Complainant of the final determination within 2-3 business days of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in College records; or emailed to the parties' College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Sanctions or responsive actions will be determined by the CRHB. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation;
- An individual's disciplinary history;
- Previous complaints or allegations involving similar conduct;
- Any other information deemed relevant by the CRHB;
- 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 victim and the community.

APPEALS PROCESS:

The Complainant or Respondent can request an appeal of the case in instances where they are dissatisfied with the resolution. The Request for Appeal must be submitted in writing to the Civil Rights Compliance Officer within five (5) business days following the receipt of the CRHB decision.

Appeals will only be considered under the following:

- To consider new information, unavailable during the original hearing, that could be outcome determinative;
- To assess whether a material deviation from written procedures impacted the fairness of the review;
- To decide if a sanction(s) is grossly disproportionate to the severity of the offense;

- To determine that the finding does not accord with the information presented at the hearing;
- To assess whether bias or conduct on the part of a member of the CRHB deprived the process of impartiality.

An appeal is not a rehearing, though witnesses may be called or parties questioned as necessary. The reviewing body will be deferential to the original decision maker, making changes to the finding only where there is clear error and to the sanction only if a compelling justification to do so exists.

Appeals will be heard by the CRHB. Members of the CRHB Appeals Committee will be different individuals than those who served during the original hearing, to ensure impartiality.

The decision of the CRHB at the Appeals phase is final. There are no further levels of appeal.

NOTIFICATION OF OUTCOMES:

A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the Civil Rights Compliance Officer and copies forwarded to the Complainant and Respondent. Any finding will be based on whether evidence shows it is more likely than not (Preponderance of the Evidence) that the alleged behavior violated CCAC Policies.

The outcome and sanctions of a civil rights investigation can become part of the educational record or the employment record of a Respondent. This information will not be further released or disclosed except to the extent required or authorized by applicable law. Circumstances under which such information may be released or disclosed include, but are not limited to, the following:

- Complainants in sexual misconduct and sexual harassment incidents have an absolute right to be informed of the outcome and sanctions of the hearing, in writing, without condition or limitation for students and/or employees.
- The College may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a College Policy that constitutes a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/ vandalism of property and kidnapping/abduction.

TIME FRAME:

The College seeks to resolve all reports within sixty (60) days of the initial report. Extenuating circumstances may arise that require the extension of time frames, including extension beyond sixty (60) days if the proceedings can be concluded in a reasonably prompt timeframe thereafter. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved the availability of the parties or witnesses or other unforeseen circumstances. In the event that the process exceeds these time frames, the College will notify the Complainant and Respondent of the reason(s) for the delay and the expected adjustment in time frames. Timelines set forth herein may also be extended upon mutual agreement of the parties.

STATEMENT OF COMPLAINANT’S RIGHTS:

- To be treated with respect by College officials.
- Interim measures to prevent continued discrimination, harassment or retaliation, if deemed necessary.
- To be free from retaliation.
- To have complaints heard in substantial accordance with these Procedures.
- To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible and the rationale for the outcome where permissible.

STATEMENT OF RESPONDENT’S RIGHTS:

- To be treated with respect by College officials.
- To have complaints heard in substantial accordance with these Procedures.
- To be free from retaliation.
- To be informed of the outcome/resolution of the complaint and the rationale for the outcome, in writing.

FALSE REPORTING:

It is a violation of College Policy to file a knowingly false or malicious complaint of an alleged Civil Rights violation. A false report will result in disciplinary action. A complaint filed in good faith under this provision will not result in disciplinary action.

RETALIATION:

Civil Rights laws and College Policies strictly prohibit retaliation against any person for using this Complaint Procedure, or for filing, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of discrimination and/or harassment. Any person who violates this Policy will be subject to discipline, up to and including termination of an employee and/or dismissal of a student.

- Retaliation is any action by any person that is perceived as: intimidating, hostile, harassing, retributive or violent that occurred in connection to the making and investigation of the complaint.
- No person shall retaliate, intimidate, threaten, coerce or otherwise discriminate against any individual for exercising their rights and responsibilities under this Procedure.
- Any person who feels that they are a victim of retaliation should contact the Civil Rights Compliance Officer immediately.

DOCUMENTATION:

The College shall maintain documents related to complaints under this Procedure as required by law. The Civil Rights Compliance Officer shall be primarily responsible for records related to all Civil Rights complaints and in accordance with *Board of Trustee Policy II.08, Records Management*.

REPORTING OPTIONS OUTSIDE OF THE COLLEGE:

The College's Complaint Procedures are administrative in nature and are separate and distinct from the criminal and civil legal systems. The College encourages individuals to pursue whatever remedies are available to them, through internal or external complaint resolution processes. The following external agencies may also receive and investigate complaints of civil rights violations:

- PA Human Relations Commission (PHRC) Pittsburgh Office
301 Fifth Avenue
Suite 390, Piatt Place
Pittsburgh, PA 15222
(412) 565-5395
- Office for Civil Rights, US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481 | Facsimile: (202) 453-6012
TTY#: (800) 877-8339 | Email: OCR@ed.gov | Web: <http://www.ed.gov/ocr>
- Equal Opportunity Employment Commission (EEOC)
Pittsburgh Office
William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA 15222
1-800-669-4000

REPORTING TO THE POLICE:

In cases involving potential criminal misconduct, including acts of sexual violence, the College encourages individuals to report the conduct to the law enforcement agency which has jurisdiction over the location where the incident occurred. If the conduct is reported to the College, the individual will be informed of their option to also report any potential criminal activity to the police. Members of the College Security Offices are available to assist the Complainant in contacting the police.

The Procedures described above will apply to all complaints involving students, staff or faculty members (with the exception that unionized or other categorized employees will be subject to the terms of their respective Collective Bargaining Agreements to the extent those Agreements do not conflict with federal or state compliance obligations). Redress and requests for responsive actions for complaints brought against non-members of the community, such as guests and independent contractors/third-party vendors, are also covered by these Procedures.

ATTENDANCE PROCEDURE FOR PREGNANCY & PREGNANCY RELATED CONDITIONS:

In accordance with Title IX of the Education Amendments of 1972, absences due to pregnancy or related conditions, including recovery from childbirth, shall be excused for as long as the absences are determined to be medically necessary. Students will be provided with the opportunity to make up any work missed as a result of such absences, if possible. The College may also offer the student

alternatives to making up missed work, such as but not limited to, retaking a semester, taking part in online instruction or allowing the student additional time in a program to continue at the same pace and finish at a later date. For more information or requests for accommodations, students should inform their instructor(s) and/or contact the Civil Rights Compliance Officer/Title IX Coordinator, at 412.237.4535 or smisra@ccac.edu.

Procedure developed by Sumana Misra-Zets, MEd
Civil Rights Compliance Officer/Title IX Coordinator

adapted from the NCHERM/ATIXA Model Policy & Procedure for Civil Rights Equity

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(www.ncherp.org)*

COMMUNITY COLLEGE OF ALLEGHENY COUNTY

CCAC Civil Rights Violation Complaint Form

If you believe that you have been the victim of discrimination and/or harassment based on a protected classification: race/ethnicity, gender/sex, age and/or disability status, complete this complaint form.

The College may be obligated to investigate even without your formal, written complaint.

Date of Complaint: _____

Name (Complainant): _____
Last Name First Name MI

Contact Information: _____
Phone Email Address

Check One: Employee ___ Student ___ 3rd Party Vendor ___ Guest/Visitor ___

If you are not the victim, please include their name(s):

Is victim an employee, student, authorized volunteer, or guest/visitor?

Check One: Employee ___ Student ___ 3rd Party Vendor ___ Guest/Visitor ___

Name(s) of who you believe committed the alleged act(s) (Respondent):

Is person an employee, student, authorized volunteer, or guest/visitor?

Check One: Employee ___ Student ___ 3rd Party Vendor ___ Guest/Visitor ___



COMMUNITY COLLEGE OF ALLEGHENY COUNTY

Please describe the alleged incident(s), and when and where it occurred. Also, please attach any supporting documentation and evidence. If more space is necessary, please continue your comments on the back of this form, or on a separate sheet of paper.

Identify all individuals with knowledge of the conduct about which you are complaining.

Acknowledgement:

I, _____, am willing to cooperate fully in the investigation of my complaint and will provide all information in my possession, custody or control which the College may reasonably request in connection with its investigation. I affirm that the information I am providing is true and correct to the best of my knowledge. I understand that my statements and the information that I am providing may be attributed to me and could be included in any investigation reports that are prepared. I also understand that this investigation is confidential and for me to disclose any information that I have obtained during the course of this investigation could interfere with the investigation. I also understand that if I do not fully cooperate, decisions will be made based on the best information available to the College.

Signature _____ Date _____

Witness _____ Date _____



OUR GOAL IS YOUR SUCCESS.

