

Nondiscrimination

Arizona College does not discriminate in its education programs and activities on the basis of race, color, creed, national or ethnic origin, religion, sex, pregnancy, childbirth and related medical conditions, marital status, medical condition, service in the uniformed services, political activities and affiliations, age, disability, sexual orientation, gender identity, veteran status, or any other consideration made unlawful by federal, state, or local laws. Specifically, Title IX/SaVE requires the College not to discriminate on the basis of gender/sex in its education programs and activities. Gender/sex harassment, including gender/sex violence, is a form of prohibited gender/sex discrimination. Examples of covered acts are found in the College's policies on Sexual Misconduct.

Sexual Misconduct Policy

Gender/Sexual Discrimination, Misconduct, Harassment or Violence - Title IX/SaVE Purpose

Arizona College is committed to maintaining an academic climate in which individuals of the college community have access to an opportunity to benefit fully from the College's programs and activities. When students experience acts of sexual misconduct, their sense of safety and trust is violated. This can significantly interfere with their lives, including their educational goals. This policy has been developed to proactively create a campus environment in which incidents of sexual misconduct can be promptly and effectively responded to without further victimization, retaliation, and with possible remediation of its effects.

Dissemination of the Policy, Educational Programs, and Employee Training

This policy shall be disseminated through the Arizona College Academic Catalog, provided to the College community online through the College website, and other appropriate channels of communication.

New and current students will be provided with educational materials to promote familiarity with this policy. Newly hired employees and current employees responsible for reporting sexual misconduct will be provided with training. Furthermore, annual training will be provided to investigators and hearing officers.

The educational programs and employee training provide ongoing awareness and prevention campaigns that also identifies safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such bystander. Additionally, information is provided on risk reduction so that students, faculty/staff may recognize warning signs.

Definitions and Examples of Sexual Misconduct

Sexual Misconduct Offenses include, but are not limited to:

- Sexual Harassment
- Sexual Assault
- Sexual Violence
- Sexual Exploitation
- Domestic and/or Dating Violence
- Stalking

SEXUAL HARRASSMENT

Sexual harassment includes unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature that has the effect of unreasonably interfering with an individual's academic or work performance, or creates an intimidating, hostile, or offensive environment. Sexual violence is a form of sexual harassment prohibited by Title IX/SaVE.

Three Types of Sexual Harassment

1. Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently offensive so that it alters the conditions of education, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include:
 - the frequency of the conduct;
 - the nature and severity of the conduct;
 - whether the conduct was physically threatening;
 - whether the conduct was humiliating;
 - the effect of the conduct on the alleged victim's mental or emotional state;
 - whether the conduct was directed at more than one person;
 - whether the conduct arose in the context of other discriminatory conduct;
 - whether the statement is a mere utterance of an epithet which engenders offense in an individual, or offends by mere discourtesy or rudeness;
 - whether the speech or conduct deserves the protections under other principles such as academic freedom.

Hostile Environment sexual harassment may occur in student to student, faculty/staff to student, student to faculty/staff relationships, or third party to student/faculty/staff.

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 action.

Quid pro quo harassment may occur in student to student, faculty/staff to student, student to faculty/staff relationships, or third party to student/faculty/staff.

3. Retaliation

- The College will sanction a faculty, student, or staff member who takes adverse action against a person because of the person's participation in or support of an investigation of discrimination or sexual misconduct. Adverse action includes, but is not limited to, threats, harassment, intimidation (implied threats) or actual violence against the person or his or her property, adverse educational or employment consequences, ridicule, taunting, bullying, or ostracism.

Retaliation sexual harassment may occur in student to student, faculty/staff to student, student to faculty/staff relationships, or third party to student/faculty/staff.

Title IX/SaVE also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

SEXUAL ASSAULT

In Arizona, a person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.

SEXUAL VIOLENCE

Sexual violence is defined as physical sexual acts engaged in without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

WITHOUT CONSENT

In Arizona, “without consent” includes any of the following:

- The victim is coerced by the immediate use or threatened use of force against a person or property.
- The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep, or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant.
- The victim is intentionally deceived as to the nature of the act.
- The victim is intentionally deceived to erroneously believe that the person is the victim’s spouse.

SEXUAL EXPLOITATION

Occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- prostituting another student;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism;
- knowingly transmitting an STI or HIV to another student.

DOMESTIC VIOLENCE

In Arizona, “domestic violence” is not a crime in itself. Instead, the law designates a list of specific criminal offenses that can be associated with domestic violence. In addition to one of the listed crimes actually occurring, it must be established that a certain relationship existed between victim and defendant, including:

- Marriage or former marriage or persons residing or having resided in the same household
- A child in common
- Pregnant by the other party
- Family relationship
- Current or previous romantic or sexual relationship

DATING VIOLENCE

In Arizona, statute, regulations, and case law do not define “dating violence.” Since there is no Arizona definition of “dating violence,” the following is the definition from the VAWA: The term “dating violence” means violence committed by a person--(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship. 42 U.S.C. § 13925(a)(10)

STALKING

In Arizona, a person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct either:

- Would cause a reasonable person to fear for the person's safety or the safety of that person's immediate family member and that person in fact fears such
- Would cause a reasonable person for fear death of that person or that person's immediate family member and that person in fact fears such

CONFIDENTIALITY

While reports of this nature may result in the gathering of extremely sensitive information about individuals, such information is considered confidential and every effort will be made to keep the information confidential. Disclosures of certain personal information may be disclosed concerning a report of sexual harassment or sexual violence to the College. In such cases, efforts will be made to redact the records in order to protect the privacy of individuals. Students are encouraged to speak to officials from the College to make formal reports of incidents. Students have the right and can expect to have incidents of sexual misconduct to be taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. The College has an obligation to investigate reports of this nature with or without the consent from the victim. The College will attempt to obtain consent from the victim before beginning an investigation. If the victim requests confidentiality or asks that the complaint not be pursued, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If the victim insists that his/her name or other identifiable information not be disclosed to the alleged perpetrator, the College may be limited in its response. Although the response may be limited, these types of reports help to keep the Title IX/SaVE Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. There are other resources listed below. These other resources are available for the reporting of crimes and policy violations, and they will take action when a report of victimization has been made to them. Neither College resources, nor the law requires a divulgence of private information from a student.

RESOURCES

Emergency and Counseling Hotline Telephone Numbers:

Emergency (police, fire, and rescue)

Always dial 911 for life-threatening emergencies.

[24 Hour National Suicide Prevention Lifeline / Veterans Crisis Line](#)

(800) 273-TALK (8255)

TTY Line: [\(800\) 799-4889](#)

[24 Hour National Domestic Violence Hotline](#)

(800) 799-SAFE (7233)

TDD Line: [\(800\) 787-3224](#)

Poison Control Center

[\(800\) 222-1222](#)

National Child Abuse Hotline

(800) 4-A-CHILD (422-4453)

Counseling and Rehabilitation

American Council on Alcoholism

[\(800\) 527-5344](#)

Al-Anon

[\(888\) 425-2666](#)

The Substance Abuse and Mental Health Services Administration Treatment Helpline

(800) 662-HELP / [\(800\) 662-4357](#)

TDD [\(800\) 487-4889](#)

24 Hour National Alcohol and Substance Abuse Information Center

[\(800\) 784-6776](tel:8007846776)

American Social Health Association STI Resource Center

[\(800\) 227-8922](tel:8002278922)

[CDC National AIDS Hotline / National STD Hotline](https://www.cdc.gov/nchs/nidk/nhsd/ndk111111.htm)

(800) CDC-INFO (232-4636)

Gay and Lesbian National Hotline

(888) THE-GLNH (843-4564)

RETALIATION

This policy also prohibits retaliation against a person who reports sexual harassment, assists someone with a report of sexual harassment, or participates in any manner in an investigation or resolution of a sexual harassment report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

RECORDKEEPING

The Title IX/SaVE Coordinator, along with Compliance, is responsible for maintaining records relating to sexual harassment and sexual violence reports, investigations, and resolutions. Records shall be maintained in accordance with College Record Retention Policies. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from Compliance.

Reporting/Filing a Complaint for Title IX (Gender/Sex Discrimination)

GENDER/SEX

Sexual misconduct is a threat to the entire College community. Members from the College community are strongly encouraged to report all incidents that threaten a student's continued well-being, safety, or security. Complaints from any member of the College community relating to discrimination, misconduct, harassment, domestic violence, dating or other related violence, stalking, or retaliation based on gender or sex concerning a faculty, staff, a student or students may be reported to:

Title IX/SaVE Coordinator for Arizona College:

Matthew Calhoun, Director of Compliance & Regulatory Affairs, at:

Phone: (602) 222-9300

Email: mcalhoun@arizonacollege.edu

Mailing Address: 4425 West Olive Ave, Suite 300, Glendale, AZ 85302

The Title IX/SaVE Coordinator is responsible for the oversight, coordination and implementation of all Title IX compliance activities for the College. Title IX/SaVE Coordinator responsibilities include, but are not limited to, monitoring of the ongoing publication of the College's policy of non-discrimination including the Title IX/SaVE Coordinators contact information, continuous monitoring and oversight of overall College activities for compliance with Title IX requirements including grievance procedures, investigations, sanctions and evaluating requests for confidentiality.

College personnel will inform students who report an incident in writing of procedures that victims should follow, including:

- the importance of preservation of any evidence;
- options regarding the assistance of local law enforcement, campus officials; the option to decline assistance, or decline notifying local law enforcement;
- any interim protective measures that will be taken and their options for protective orders;
- resources including counseling, health, and mental health services.

Individuals with complaints of any nature described above also always have the right to file a formal complaint with the Office for Civil Rights (OCR), United States Department of Education, Washington DC 20201, and/or with local law enforcement.

OTHER COMPLAINTS

All other complaints, including discrimination, misconduct, harassment, violence or retaliation based on race, color, creed, national or ethnic origin, religion, pregnancy, childbirth and related medical conditions, marital status, gender identity, medical condition, service in the uniformed services, political activities and affiliations, age, disability, veteran status, or any other consideration made unlawful by federal, state, or local laws, should follow the relevant procedure outlined, and/or contact the Campus Director.

An individual may also file a complaint or grievance alleging discrimination, misconduct, harassment, domestic violence, dating or other related violence, stalking, or retaliation based on gender or sex with the Title IX/SaVE Coordinator.

The above complaint processes (Gender/Sex and Other Complaints) involve a thorough, impartial investigation designed to provide a fair, prompt, and reliable determination about whether the College nondiscrimination policies have been violated. As necessary, the College reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim.

The College has an obligation to report any crimes of which it has knowledge under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

RECEIPT OF COMPLAINT

Upon receiving notice of a possible violation of the sexual misconduct policy, the College will take immediate and appropriate steps to:

- end the behavior;
- conduct a prompt, fair and impartial investigation;
- remedy the effects, and
- prevent it from reoccurring.

Upon receipt of a complaint:

- The investigation should be completed and findings issued within sixty (60) calendar days from the receipt of the complaint, barring documented unforeseen circumstances.
- The Title IX/SaVE Coordinator, the relevant Campus Director, the Chief Operating Officer, and, if necessary, Human Resources' staff will coordinate any initial remedial short term or interim actions including but not limited to suspension or leave, accommodations for the alleged victim, or other necessary remedial short-term actions and protective measures.

INITIAL INVESTIGATION INTO COMPLAINT

- Upon receipt of a complaint, the Campus Director and, if necessary, Human Resources' staff, will investigate the complaint.
- The Campus Director and, if necessary, Human Resources' staff, will determine the identity and contact information of the complainant, whether that will be the initiator, the alleged victim, or a College proxy or representative;
- The Campus Director and, if necessary, Human Resources' staff, will collaborate with the complainant to identify the correct policies allegedly violated;

- The Campus Director and, if necessary, Human Resources' staff, will conduct an immediate initial investigation to determine if there is reasonable cause to charge the accused individual, and what policy violations should be alleged as part of the complaint. If a reasonable cause exists, the Campus Director and, if necessary, Human Resources' staff, will prepare a Notice of Charges on the basis of the initial investigation and submit it to the Title IX/SaVE Coordinator for further action;
- Once the Title IX/SaVE Coordinator receives a copy of the report of initial findings, the Title IX/SaVE Coordinator and, if necessary, Human Resources' staff, will review the findings and make a determination as to whether reasonable cause exists to bring charges against the accused individual. If reasonable cause exists, the matter shall proceed to a formal investigation.
- The complainant and the accused have the right to meet with the Title IX/SaVE Coordinator to receive information as to why the investigation was terminated.
- The complainant and the accused have a right to request an appeal to an investigation that was terminated.
- Where the Title IX/SaVE Coordinator and, if necessary, Human Resources' staff, affirm an investigator finding that there is insufficient evidence to support a reasonable cause, the complaint will be closed and the Campus Director or designee or if necessary, Human Resources, will simultaneously inform the complainant and the accused that the investigation is discontinued and will reverse any interim, short term actions taken.

NOTICE OF CHARGES AND CONTINUED INVESTIGATION OF COMPLAINT

- If the Title IX/SaVE Coordinator determines there is sufficient evidence to support a reasonable cause and approve the charges, the investigator and Title IX/SaVE Coordinator will collaborate with the Campus Director and Chief Operating Officer, or if necessary, Human Resources' staff, to determine the need for additional, short term remedial actions for any parties involved in the complaint. Any additional, short term remedial actions deemed necessary prior to the continuation of the investigation shall be carried out by the Campus Director and if necessary, Human Resources. They will communicate to the complainant the continuation of the investigation and intent to present the accused with a Notice of Charges. The Campus Director and, if necessary, Human Resources' staff, will simultaneously and in writing present the accused with the official Notice of Charges. They will also communicate and carry out all additional, short term remedial actions for any involved party that is a student; Human Resources will also communicate and carry out all additional, short term remedial actions for any involved party that is an employee deemed necessary, prior to the continuation of the investigation.
- The investigator will continue the investigation and conduct a thorough, reliable, and impartial investigation by developing an investigation plan, including as much as reasonably possible, giving each party an equal opportunity to present witnesses and other evidence and be represented by an advisor of their choosing.
- The investigator will complete the investigation without unreasonable deviation from the intended timeline.
- Any requests for updates on the status of the investigation prior to its completion should be directed to the Title IX/SaVE Coordinator or Human Resources' staff.
- The investigator will make a finding based on a preponderance of the evidence (whether a policy violation is more likely than not).
- Upon completion of the investigation, the investigator will present all findings to the Title IX/SaVE Coordinator.
- Once the investigation findings are approved by the Title IX/SaVE Coordinator, the Title IX/SaVE Coordinator will communicate the results to the Campus Director and, if necessary, Human Resources' staff.
- At any time during the process, the victim maintains their right to file a criminal complaint with local law enforcement.

INVESTIGATION FINDINGS: COMMUNICATION

- The Campus Director or designee or, if necessary, Human Resources' staff, will simultaneously and in writing communicate the findings to the accused and the complainant.

- Where the preponderance of the evidence does not support a finding against the accused for the alleged violation(s), the investigation will be closed. The Campus Director or designee, or, if necessary, Human Resources' staff, will simultaneously and in writing communicate the findings to the accused and the complainant. Additionally, where the accused is found not responsible for a violation, the Campus Director or designee, or, if necessary, Human Resources' staff, will consult with the Title IX/SaVe Coordinator to consider the reversal of any remedial actions taken.
- Where the accused is found responsible for a violation, the accused or the complainant may appeal the findings in part or in whole; the Campus Director or designee will advise the rejecting party of the criteria for appeal of the findings when communicating the findings.

INVESTIGATION FINDINGS: ACCEPTANCE

- If the complainant and/or accused individual(s) accept the findings in whole, each shall notify the Title IX/SaVe Coordinator within three (3) business days of communication of findings. If the complainant and/or accused individual do not indicate his/her acceptance or Appeal of the findings within three (3) business days of communication, non-communication will be considered acceptance and the College will proceed accordingly with the process four (4) days following communication of the investigation findings.
- The Title IX/SaVe Coordinator will review all case information and determine appropriate sanctions within eight (8) business days following notification of all findings to the complainant and accused individual, barring documented unforeseen circumstances. If the accused is an employee, Human Resources in coordination with the Title IX/SaVe Coordinator will determine appropriate sanctions. Once the sanction(s) is determined the Title IX/SaVe Coordinator will inform the Campus Director or designee and Human Resources (if necessary) of the sanction determination. The Campus Director or designee, or Human Resources (if necessary) shall, within two (2) business days of the notification of sanctions, barring documented unforeseen circumstances, simultaneously and in writing inform the complainant and the accused of the sanction decision.
- Sanctions against student(s) determined by this process are subject to the *Sanction Appeal Process*, outlined in this Academic Catalog, by either the accused or complainant.

INVESTIGATION FINDINGS: APPEAL

- If the complainant and/or accused individual(s) disagree with the findings in part or in totality, either the complainant or the accused may appeal the finding in totality or in part on the following bases:
 - The accused and/or complainant wants consideration of new evidence, which was unavailable during the original investigation that could be outcome determinative. A summary of this new evidence and its potential impact must be included;
 - The accused and/or complainant alleges that a material deviation from written procedures impacted the fairness of the process in a way that could be outcome determinative;
 - The accused and/or complainant challenges the assertion that the evidence presented during the investigation process was sufficient to find them responsible by a preponderance of the evidence; or
 - The accused and/or complainant allege bias by the investigator or Title IX/SaVe Coordinator which deprived the process of impartiality in a way that was outcome determinative.

The accused and/or complainant has five (5) business days, barring documented unforeseen circumstances, from the date of the communication of the findings to present the formal notification of appeal, in writing, to the Title IX/SaVe Coordinator.

INVESTIGATION FINDING: APPEAL PROCESS

- Upon receipt of either party's appeal of the findings, the Title IX/SaVe Coordinator will acknowledge receipt of the notice within three (3) business days.

- The written appeal must state the basis for appeal and provide sufficient information that supports the grounds for appeal. The appeal must be accompanied by any relevant new information or evidence that was not available during the investigation phase of the process.
- The Chief Operating Officer or his/her designee will review all cases presented for appeal within five (5) business days of the Title IX/SaVE Coordinator's acknowledgement of the party's intent to appeal, barring documented unforeseen circumstances, to determine if the presented grounds for appeal and supporting information will be accepted or rejected.
- If the appeal does not meet the stated grounds for the appeal, the appeal will be rejected by the Chief Operating Officer or designee and the decision to reject the appeal will be communicated to the Title IX/SaVE Coordinator. The Title IX/SaVE Coordinator will inform the Campus Director or designee and if necessary Human Resources of the decision. The Campus Director or designee, shall, within two (2) business days of the appeal determination, barring documented unforeseen circumstances, simultaneously and in writing inform the complainant and the accused of the appeal decision.
- If the appeal is rejected by the Chief Operating Officer or designee, the Campus Director will then determine sanctions within seven (7) business days following the communication of the rejection of the appeal, barring documented unforeseen circumstances.
- If the Chief Operating Officer or designee determines there is sufficient evidence to support an appeal, the Chief Operating Officer or designee will inform the Title IX/SaVE Coordinator of this determination within five (5) business days of the Title IX/SaVE Coordinator's acknowledgement of the party's intent to appeal.
- If the appeal determination requires a review of the investigation, the Title IX/SaVE Coordinator will then return the case to the Campus Director for further investigation within three (3) business days of receipt of the appeal determination by the Chief Operating Officer and a new investigator will be assigned.
- The appeal investigation will be completed within fourteen (14) calendar days, barring documented circumstances that may extend the investigation.
- Upon completion of the appeal review, the investigator will present all findings to the Title IX/SaVE Coordinator.
- Once the appeal review findings are submitted to the Title IX/SaVE Coordinator, the Chief Operating Officer will make an appeal determination. The Title IX/SaVE Coordinator will report the outcome to the Campus Director or designee or if necessary, to Human Resources, who will in turn communicate the appeal findings, simultaneously and in writing, to the complainant and the accused.
- Where the accused individual is found not responsible for the alleged violation(s) upon appeal, the investigation will be closed. The Campus Director or designee, or if necessary Human Resources, will communicate this information to both the complainant and accused simultaneously and in writing.
- Additionally, the Campus Director or designee will consult with the Title IX/SaVE Coordinator and Human Resources (when necessary) to consider the reversal of any remedial actions taken.
- Where the accused individual is found responsible for the alleged violation(s) upon appeal, the Campus Director or designee or if necessary Human Resources, will communicate this information to both the complainant and accused simultaneously and in writing.
- The Chief Operating Officer will determine sanctions within seven (7) business days of the communication of findings of the appeal, barring documented unforeseen circumstances.

ADDITIONAL INFORMATION FOR SEXUAL MISCONDUCT INVESTIGATIONS

Attempted Violations. In most circumstances, Arizona College will treat attempts to commit any of the violations listed as if those attempts had been completed.

College as Complainant. As necessary, Arizona College reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.

False Reporting. Arizona College will not tolerate intentional false reporting of incidents. Such false reporting may violate state criminal statutes and civil defamation laws.

Group Action. When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group or individually, and a hearing may proceed against the group as jointly accused students or individually, at the discretion of the College.

Amnesty Policy. Arizona College encourages the reporting of crimes by victims and/or witnesses. Sometimes, a victim(s) and/or witness(es) may be hesitant to report to College officials because of the fear that by reporting an incident, he/she may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims and/or witnesses as possible choose to report to College officials. To encourage reporting, Arizona College pursues a policy of offering victims and/or witnesses of crimes immunity from policy violations related to the incident, as long as those policy violations are not directly related to the crime itself. For example, if a student reported a rape in which he or she was involved as a perpetrator, he or she would not be immune from policy violations.

No-Contact Order. Students are entitled to seek a no-contact order that imposes reasonable restrictions on student contact during and after campus conduct proceedings.

Right to an Immediate Process. Arizona College takes immediate and appropriate action to investigate sexual misconduct complaints.

List of Witnesses and Copies of Documentary Evidence. The College encourages an exchange of information between the parties in advance of the hearing, including an exchange of the complaint and answer, witness lists, and other written statements that may be available.

Sexual History. Questioning or presenting of evidence about the complainant's prior sexual conduct with anyone other than the alleged perpetrator will be prohibited. Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.

Character. All parties to a complaint have a right not to face questions or discussion about their character unless the hearing chair or administrative hearing officer determines that such information is highly relevant to determining whether the policy has been violated.

Separate Testimony Options. Any complainant can request to give his or her testimony via alternate means to being in the physical presence of the person he or she has accused. Telephony, screens, and closed-circuit broadcasts may be permitted, but not to the disadvantage of the accused student.

Notice of When Complaint Delivered to Accused. Complainants are notified in advance regarding when notice of the complaint is delivered to the accused, so as to protect Complainants from potential retaliation.

Right to Present Own Complaint or Use Proxy. The alleged victim has the right to present his or her own complaint if he or she wants to, or to ask the College to stand as complainant in his or her place.

Right to Know Outcome and Sanctions. Simultaneously and in writing the complainant and the accused have the right to know the outcome and sanctions.

Right to be Informed of Appeal Status. The parties will be informed by the Campus Director or designee if an appeal is granted.

POSSIBLE SANCTIONS AND PROTECTIVE MEASURES

- Any accused found responsible for violating the policy on Sexual Misconduct may receive a sanction ranging from a verbal warning, probation, and suspension to expulsion/termination, depending on the severity of the incident, and taking into account any previous documented conduct issues. If the accused individual is an employee, sanctions will be determined by Human Resources in consultation with the Title IX/SaVE Coordinator.
- In order to protect the victim, at any time during the investigation, the College may recommend interim protections or remedies. These protections include, but are not limited to, separating the parties, placing limitations on contact between the parties, or making alternative working or academic arrangements. Efforts will be made to minimize the burden on the victim. Failure to comply with these interim protections may be considered a separate violation of this Policy.

SANCTION PROCESS: STUDENT

Administrative Hearing (Student)

The Title IX/SaVE Coordinator will review all case information and determine appropriate sanctions within five (5) business days of notification of acceptance of all findings to the Title IX/SaVE Coordinator, barring documented unforeseen circumstances.

Formal Hearing for Sanctioning (Student)

- The Campus Director or designee *may* delegate decision making authority to a committee consisting of representatives from the following: Full-time faculty, Financial Aid, Student Services, and/or senior academic administration.
- At the hearing, the findings of the investigation will be admitted and reviewed. The investigator(s) should be available to discuss the investigation and to provide clarification as needed to the hearing panel. The hearing will determine appropriate sanctions for the violation(s). The goal of the hearing is to provide an equitable resolution through an equitable process.
- The Campus Director has final decision making authority with respect to the sanctions to be applied.

The Campus Director or designee, will simultaneously and in writing communicate the sanctions to the accused individual(s) and the complainant within seven (7) business days of the communication of the sanction determination, barring documented unforeseen circumstances.

SANCTION APPEAL PROCESS: STUDENTS ONLY

- Where either party, the accused or the complainant, disagrees with any delivered sanction(s), either has five (5) business days from the date sanctions are communicated, barring documented unforeseen circumstances, to present an appeal of the sanctions, in writing, to the Title IX/SaVE Coordinator. The written request for appeal of the sanctions must state one or more of the five (5) bases for appeal (SEE BELOW) along with facts and information that support the grounds for appeal; and be accompanied by any relevant, new information or evidence that was not available during the investigation phase of the process. The Title IX/SaVE Coordinator will forward all case information to the Chief Operating Officer or designee who will make a determination as to whether there is sufficient evidence to support an appeal of sanctions on the basis of:
 - the availability of new information, unavailable during the original investigation, that could be outcome determinative regarding sanctions;
 - a potential material deviation from written procedures which impacted the fairness of the process in a way that was outcome determinative;
 - the evidence presented during the investigation process may have been insufficient to find the individual responsible by a preponderance of the evidence;
 - the potential of bias by a panel member(s) which may have deprived the process of impartiality in a way that was outcome determinative; or
 - a belief that a sanction(s) is substantially disproportionate to the severity of the offense.
- The sanction appeal will be reviewed by the Chief Operating Officer or designee within five (5) business days of the sanction appeal notice, barring documented unforeseen circumstances, to determine whether there are sufficient grounds for appeal.
- If the appeal does not state a ground for appeal or sufficiently meet the grounds for appeal, the appeal will be rejected by the Chief Operating Officer or designee and the decision to reject the appeal communicated to the Title IX/SaVE Coordinator. The Title IX/SaVE Coordinator will inform the Campus Director or designee and, if necessary, Human Resources of the decision.
- The Campus Director or designee will simultaneously and in writing inform the complainant and the accused of the rejection of the appeal within seven (7) business days of the determination, barring documented unforeseen circumstances.

- The Campus Director or designee will impose all sanctions on the accused student for the violation. Human Resources will impose all sanctions on the accused employee. Once the sanctions are carried out, the Campus Director or designee will inform the Title IX/SaVE Coordinator, thereby closing the case.
- If the sanctions appeal is granted, the Chief Operating Officer will review all information presented with the appeal and make a final sanction determination.
- Sanction appeal decisions will be completed within fourteen (14) calendar days of acceptance of the appeal grounds, barring documented circumstances that may extend the determination.
- The Title IX/SaVE Coordinator will inform the Campus Director or designee of the final sanction decision.
- The Campus Director or designee, of Human Resources if necessary, will simultaneously and in writing inform the complainant and the accused of the appeal decision within seven (7) business days of the decision, barring documented unforeseen circumstances.
- The Campus Director or designee will impose all sanctions for the violation. Once the sanctions are carried out, the Campus Director or designee will inform the Title IX/SaVE Coordinator, thereby closing the case.

SPECIAL PROCEDURAL PROVISIONS FOR SEXUAL MISCONDUCT SANCTION HEARINGS

Right to a Closed Hearing. The sanction hearing will be closed to the public, and only those who have a legitimate reason to be present will be permitted to be present.

Advisor. The accused and complainant to sexual misconduct complaints have the right to the same opportunities to have others present during the sanction hearing, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

Right to be Present for Sanctioning Proceeding. Each party has the right to be present during the hearing.

Nondisclosure Agreements. The College will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of the proceeding.