



TOCC NONDISCRIMINATION & ANTI-HARASSMENT POLICY

**Approved by Board of Trustees
on November 10, 2016**

NOTE: This policy was approved by the Board on an interim basis with the understanding that it will be revised and augmented to include other sections.

TOCC NONDISCRIMINATION & ANTI-HARASSMENT POLICY

I. BACKGROUND

TOCC is firmly committed to maintaining an educational environment in which sexual and gender-based harassment and Sexual Assault, Domestic Violence, Dating Violence, Stalking (collectively, "sexual misconduct") are not tolerated, and in which persons reporting sexual misconduct are provided support and avenues of redress. When sexual misconduct is brought to the attention of the school, TOCC will take prompt and appropriate action to end the misconduct, prevent its recurrence, and address its effects.

In accordance with Title IX of the Education Amendments of 1972 (Title IX), the federal law that prohibits discrimination on the basis of sex in federally funded educational programs and activities, this policy provides for prompt, effective, fair, and impartial investigation and resolution of complaints against TOCC students or employees who are accused of sexual misconduct. Persons affiliated with TOCC who engage in Sexual Assault, including Aiding, Abetting, or Inciting Sexual Assault, or engaging in Retaliation (as defined below) are subject to disciplinary action up to and including permanent separation (i.e., expulsion).

Retaliation constitutes an independent violation of this policy whether or not the underlying complaint of Sexual Assault or of Aiding, Abetting, or Inciting Sexual Assault is ultimately found to have merit.

This policy and procedure applies to all complaints of conduct regulated by this policy made by students, faculty, staff, or third parties, and will take precedence over any other TOCC policies and procedures with respect to such complaints.

This policy and its procedures supplement, and do not replace, the criminal justice system. Furthermore, TOCC is required to report to the Tohono O'odham Nation police department certain alleged crimes, including sexual assault, domestic violence, dating violence, and stalking. If the victim wishes to remain anonymous, their name and identifying information will be withheld from the information provided to the police department. All persons have the right to pursue Sexual Assault complaints beyond the College, and are encouraged to use law enforcement agencies, including the Tohono O'odham Police Department, regardless of whether they choose to pursue recourse through this policy.

TOCC designates the Title IX Coordinator/Clery Compliance Officer ("Title IX Coordinator") as the individual charged with coordinating efforts to comply with Title IX. The Title IX Coordinator, either the VP Student Services or designee, addresses and oversees the investigation and resolution of all complaints related to sexual and gender-based harassment, including Sexual Misconduct and Assault, Sexual Harassment, Dating Violence, Domestic Violence or Stalking involving students, faculty, staff, and visitors. The Title IX Coordinator is available to meet with any person to provide information about resources, interim measures and options for investigation and resolution under this policy.

II. DEFINITIONS

Section 1 – definitions for the purpose of this policy:

- A. "Aiding, Abetting, or Inciting" means participating in, soliciting, directing, or assisting in Sexual Assault.
- B. "Clery Act" refers to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal mandate requiring all institutions of higher education (IHEs) that participate in the federal student financial aid program to disclose information about crime on their campuses and in the surrounding communities. The Clery Act affects virtually all public and private IHEs and is enforced by the U.S. Department of Education. Campuses that fail to comply with the act can be penalized with large fines (\$35,000) and may be suspended from participating in the federal financial aid program (34 C.F.R. §§668.14, 668.41, 668.46, and 668.49).

The Clery Act, formerly known as the Crime Awareness and Campus Security Act, was signed in 1990 and is named after 19-year-old Jeanne Clery, who was raped and murdered in her Lehigh University residence hall in 1986. Clery's parents lobbied Congress to enact the law when they discovered students at Lehigh hadn't been notified about 38 violent crimes that had occurred on campus in the three years prior to Clery's murder.

- C. "Consent" means clear and unambiguous agreement, expressed in mutually understandable words or actions, to engage in a particular sexual activity. Whether valid consent has been given will be judged based upon what a reasonable person would have understood from such words or actions.

Consent must be voluntarily given and is not valid:

1. if obtained by physical force, coercion, or threat;
 2. when a person is Incapacitated; or
 3. When an intellectual or other disability prevents a person from having the capacity to give consent.
 4. Consent to engage in one sexual activity, or agreement to engage in a particular sexual activity on a prior occasion, cannot be presumed to constitute consent to engage in a different sexual activity or to engage again in a sexual activity.
 5. Consent can be withdrawn by either person at any point.
- D. "Incapacitation" means that a person lacks the capacity to give Consent to sexual activity because the person is asleep, unconscious, mentally and/or physically helpless, or otherwise unaware that sexual activity is occurring. Incapacitation is not necessarily the same as legal intoxication. Where alcohol or other drugs are involved, evaluating Incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's decision-making ability, awareness of consequences, ability to make informed, rational judgments, capacity to appreciate the nature and quality of the act, or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.
- E. "Dating Violence" is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a

relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, type of relationship, and the frequency of interaction between the persons involved in the relationship.

1. dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse;
2. Dating violence does not include acts covered under the definition of domestic violence.

F. "Domestic Violence" is defined as a felony or misdemeanor crime of violence committed

1. by a current or former spouse or intimate partner of the victim;
2. by a person with whom the victim shares a child in common;
3. by a person who is cohabiting with, or has cohabitated with, the victim as a spouse or intimate partner;
4. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

G. "Intentional Incapacitation" means providing alcohol or other drugs to a person with the intent to render the person Incapacitated.

H. "Investigator" means the person designated to conduct an investigation under this policy.

I. "Reporting Person" means a person who alleges that another person violated this policy.

Note: Any person – regardless of race, color, religion, sex, age, sexual orientation, gender identity or expression, national origin, disability, or military/veteran status – may be a Reporting Person. A Reporting Person need not be a TOCC student, faculty member, or staff member.

J. "Responding Person" means:

1. Any Student accused of: Sexual Assault; Aiding, Abetting, or Inciting Sexual Assault; or Retaliation.
2. Any Student – regardless of race, color, religion, sex, age, sexual orientation, gender identity or expression, national origin, disability, or military/veteran status – may be a Responding Person.

K. "Result" is defined as any initial, interim and final decision by the sanctioning panel (see Section IV.B.4). The result, which will be shared with the reporting and responding parties, will include a statement of any sanctions imposed, the rationale or reasons for those sanctions, and a statement that indicates how the standard of evidence used at TOCC, namely "preponderance of evidence," was applied.

- L. "Retaliation" means engaging in conduct that may reasonably be perceived to:
1. Adversely affect a person's educational, living, or work environment because of their good faith participation in the reporting, investigation, and/or resolution of report of a violation of this policy; or
 2. Discourage a reasonable person from making a report or participating in an investigation under this policy.

Retaliation includes but is not limited to: acts or words that constitute intimidation, threats or coercion intended to pressure a person to drop or support a complaint under this policy or to provide false or misleading information in connection with an investigation; and pressuring a person to participate or refrain from participating as a witness in an investigation under this policy. Retaliation may constitute a violation of this policy even when the underlying report made in good faith did not result in a finding of responsibility.

- M. "Sexual Assault" means unwanted or unwelcome touching of a sexual nature, including: fondling; penetration of the mouth, anus, or vagina, however slight, with a body part or object; or other sexual activity that occurs without valid Consent.

- N. "Stalking" is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to
1. fear for the person's safety or the safety of others; or
 2. Suffer substantial emotional distress.

- O. "Student" means an individual enrolled in any TOCC school or department, or a person enrolled in a TOCC educational program, whether or not currently in attendance. Conduct by a Student in the course of the person's work as a TOCC employee is subject to this policy and may also form the basis for decisions concerning the individual's employment.

Section 2: definitions and citations in Tohono O'odham Nation Code:

Note: The definitions TOCC uses are those of the Clery Act in Section 1 above as we are required to do so by federal law, however, TON definitions also apply as TOCC is within the Nation's jurisdiction for:

- A. Sexual Assault:
- B. Consent:
- C. Dating Violence:
- D. Domestic Violence:
- E. Stalking:

Note: a list of definitions and citations in the Tohono O'odham Nation Code are still being compiled and will be made available as soon as it is complete.

III. REPORTING SEXUAL ASSAULT OR OTHER VIOLATIONS OF THIS POLICY including dating violence, stalking, and domestic violence, all of which are defined in Section III of this policy.

TOCC strongly encourages the prompt reporting of violations of this policy to the College and to the police. A report may be made by a Reporting Person or by any other person with knowledge of the violation.

A. Contacts for Reporting

Reports of violations of this policy should be made to:

Title IX Coordinator/Clery Act Compliance Officer

If the report is received by TOCC Security, they will promptly notify the Title IX Coordinator. The Title IX Coordinator and Security can take reports about any form of sexual misconduct that involves students, faculty, staff, or other members of the community.

B. Reporting to Law Enforcement and External Agencies

To initiate a criminal investigation or prosecution, reports of Sexual Assault can be made by *calling 911*. You can also contact the *Tohono O'odham Police Department at (520) 383-3275*.

Note: If you are a victim of sexual assault, domestic violence, dating violence, or stalking you have the right to contact law enforcement authorities. You are not, however, required to report to them. If you would like assistance in contacting law enforcement authorities, TOCC's Title IX Coordinator or VP of Student Services, or Security Personnel will assist you in doing so. Should you decide to contact law enforcement, TOCC will assist you if you desire that assistance and will comply with your wishes. To make a police report, contact law enforcement and let them know clearly that you are making a report.

C. Timelines

To promote timely and effective review, TOCC strongly encourages Reporting Persons and other persons with knowledge of possible violations of this policy to make reports as soon as possible following the occurrence of the assault. A delay in reporting may impact the College's ability to gather relevant and reliable information. While prompt reporting is encouraged, the College will receive and investigate reports of possible violations of this policy until the Responding Person has graduated or permanently terminated enrollment.

D. Preservation of Information and Tangible Material

Preservation of information and tangible material relating to Sexual Assault is essential for both law enforcement investigations and campus disciplinary investigations. Therefore, Reporting Persons, Responding Persons, witnesses, or others reporting possible violations of this policy, are encouraged to preserve all information and

tangible material relating to the incident. Examples include electronic communications (e.g., e-mails and text messages), photographs, clothing, bedding, and medical information. In the case of medical information, prompt examinations can be crucial.

IV. TOCC's RESPONSE PROCEDURE

Upon receipt of a report, the College will generally proceed as described below.

A. Support and Initial Assessment; Interim Measures.

Once the College is put on notice of possible violation of TOCC's Nondiscrimination & Anti-harassment Policy the Reporting Person and the Responding Person will be offered appropriate support and other resources and notified of applicable policies. Both parties will be provided contacts for support, including confidential support.

The College will also take appropriate steps to prevent and/or address retaliatory conduct following a report. The College will also promptly conduct an Initial Assessment. At a minimum, the Initial Assessment will include taking the steps necessary to assure a safe and nondiscriminatory environment for the Reporting Person and other members of the community:

1. Assess the nature and circumstances of the report.
2. Address immediate physical safety and emotional well-being needs of the Reporting Person or any other individual.
3. Notify the Reporting Person of the right to notify (or decline to notify) law enforcement if the conduct is potentially criminal in nature.
4. Notify the Reporting Person of the right to seek medical treatment to address physical health and, as appropriate, preserve physical or forensic evidence.
5. Assess the reported conduct to determine whether the circumstances pose a threat to the health or safety of the College community that warrants issuance of a "timely warning" under the Clery Act or a temporary administrative suspension.
6. Provide the Reporting and Responding Persons with information about on- and off-campus resources, the range of interim measures, an explanation of the procedural options for resolution under the policy and the College's prohibition against retaliation.
7. Enter non-identifying information about the report into the College's daily crime log if the conduct is potentially criminal in nature.

The College may also implement interim measures as may be appropriate for the individuals involved and for the larger College community. Interim measures may include but are not limited to: separation of the Reporting Person's and Responding Person's academic and living situations; temporary administrative suspension of the Responding Person; no-contact orders; and restrictions on team or organization participation or activity.

The scope and timing of further investigation and/or action will depend upon a number of factors including: whether the Reporting Person requests confidentiality or that the investigation not be pursued; whether the Reporting Person wishes to make a disciplinary complaint under this policy; whether the College has an obligation to proceed with an investigation, regardless of the Reporting Person's wishes, in order to ensure campus safety; and whether ongoing fact-gathering by the police requires a temporary delay in further factual investigation by the College.

B. Disciplinary Process

Disciplinary proceedings under this policy may be initiated by:

Vice-President of Student Services

The complaint should be submitted to the Title IX Coordinator and TOCC Security. If the complaint is received by Campus Security Authorities (CSA) will immediately notify the Title IX Coordinator.

1. Disciplinary Investigation

- a. Upon being notified that a person wishes to pursue a complaint of sexual misconduct, the Title IX Coordinator will review the complaint to determine whether the allegations, if proven, would constitute a violation of this policy. This evaluation will normally occur within one working days of the initial report.
- b. If it is determined that the allegations would not constitute a violation of this policy, the Reporting Person will be advised of other disciplinary, legal and support options as appropriate, and no further investigation under this policy will be pursued. If new information is subsequently provided, this decision may be reevaluated.
- c. If it is determined that the allegations would constitute a violation of this policy, the Title IX Coordinator prepare a report describing the alleged violation and the provisions of this policy alleged to have been violated. .
- d. If, prior to or during the investigation of a complaint under this policy, either party alleges a violation of other College policies or standards of conduct arising from the same set of facts, all claims will ordinarily be investigated and have responsibility determined by the Title IX Coordinator assigned to investigate the complaint under this policy.
- e. Upon initiating the investigation, the Title IX Coordinator will notify both the Reporting Person and the Responding Person of the investigation. That notification will include a copy of the allegation/charge; the name and contact information of the Title IX Coordinator and a copy of this policy.

- f. The investigation will be conducted in a prompt, fair, thorough, and impartial manner. It will include, at a minimum, speaking separately with the Reporting Person, the Responding Person and pertinent witnesses, and soliciting and reviewing documentation relevant to the investigation including available police reports. The Title IX Coordinator will provide the Reporting and Responding Persons with timely notice of meetings at which they are asked to be present. The Reporting and Responding Persons will not be permitted to directly question each other and will not be present together at any point. Each party may have an advisor and/or an observer of their own choosing present with them at all meetings concerning the investigation. While the advisor can be present, including at a disciplinary hearing held by the panel described in IV.B.4. of this policy, TOCC will exercise its right to preclude the advisor from speaking or otherwise communicating during the course of the process.
- g. All parties and witnesses are obligated to be completely honest during the course of the investigation. Any person who knowingly makes a false statement in connection with the investigation may be subject to College disciplinary action. False statements include statements that omit a material fact, as well as statements that the speaker knows to be untrue.
- h. The Title IX Coordinator may establish reasonable timeframes for the submission of information and the identification of potential witnesses by the Reporting Person and the Responding Person prior to the preparation of the Title IX Coordinator factual findings and following the submission of the draft factual findings to the Reporting Person and the Responding Person for their review. A reasonable time frame for such responses is generally defined as four calendar days.
- i. The Title IX Coordinator may record by electronic, stenographic, or other means any meeting, to the extent permitted by law. The Title IX Coordinator will determine the conditions under which persons will have access to the recording in order to preserve confidentiality. Persons who fail to abide by these conditions may be subject to further disciplinary action.

2. Standard of Proof

All findings and determinations of responsibility under this policy will be made using a preponderance of the evidence standard. With respect to any factual issue, this standard requires the determination of whether it is more likely than not that a fact exists or an event or violation of this policy occurred.

3. Findings and Report

The Title IX Coordinator will prepare a written report at the conclusion of the investigation. Before the report is finalized, the Title IX Coordinator will give the Reporting Person and the Responding Person an opportunity to review a draft of the factual findings of the report and submit comments in writing. The Title IX

Coordinator will then make any modifications to the draft report that in their judgment deems appropriate, and finalize the report.

The final written report will set forth, at a minimum:

- a. The factual findings;
- b. The determination as to whether the Responding Person committed the misconduct alleged in the charge;
- c. The rationale for the findings.

The Title IX Coordinator will transmit the report to the Vice-President Student Services who will promptly notify the reporting and responding parties, simultaneously and in writing, of the determination of responsibility and the process for requesting review of the decision. If the Investigator has found the Responding Person responsible for misconduct, the Title IX Coordinator will also inform the parties of the sanction.

4. Sanctioning Decision

If the Investigation has determined that the Responding Person is responsible for sexual misconduct under this policy, a Sanctioning Panel consisting of, at a minimum, the Vice-President Student Services, Title IX Coordinator, and the President.

In determining an appropriate sanction, the Sanctioning Panel will take into account the following:

- a. The impact of the misconduct on the Reporting Person or the community; protection of the College community.
- b. The Responding Person's disciplinary (and, if known, criminal) history.
- c. The nature and circumstances of the misconduct.
- d. How the College has sanctioned similar misconduct in the past.
- e. The enrollment pattern of the Reporting Person, giving due regard to the principle that the a Student found responsible for misconduct under this policy should bear the burden of accommodating the Reporting Person and not the reverse, and the risk that a Reporting Person's encounters with the Responding Person may create a hostile and intimidating environment for the Reporting Person.
- f. The presence or absence of bias on account of race, color, religion, sex, age, sexual orientation, gender identity or expression, national origin, disability, or military/veteran status as a motivation in the misconduct.
- g. The Responding Person's candor in responding to the complaint.
- h. Any other mitigating or aggravating circumstances in order to reach a just and appropriate resolution in each case.
- i. The sanction shall be separation from the College (i.e., expulsion) where:
 - i. the Title IX Coordinator has determined that the Responding Person, by use of physical force, threat, or Intentional Incapacitation of the Reporting Person, engaged in either (A) any form of sexual penetration (anal, oral, or vaginal), however slight,

by a body part or object; or (B) oral-genital, oral-anal, or genital-genital contact; or

- ii. the Title IX Coordinator has determined that the Responding Person engaged in any form of sexual penetration, oral-genital contact, oral-anal contact, or genital-genital contact, as described above, and was motivated by bias on account of race, color, religion, sex, age, sexual orientation, gender identity or expression, national origin, disability, or military/veteran status; or
 - iii. The Responding Person has previously been found responsible for Sexual Assault.
- j. In cases not covered by paragraph (i) above, where the Title IX Coordinator has determined that the Responding Person intentionally engaged in any form of sexual penetration or oral-genital, oral-anal, or genital-genital contact, as described above, there is a strong presumption that the sanction will be separation from the College.

The Sanctioning Panel will also identify permanent remedies to address the effects of the conduct on the Reporting Person, restore the Reporting Person's safety and well-being, and maximize the Reporting Person's educational and employment opportunities. Such remedies should restore to the Reporting Person to the extent possible all benefits and opportunities lost as a result of the prohibited conduct. Permanent remedies may include extending or making permanent any interim measures.

5. Notification of Investigation Outcome

The Director of Judicial Affairs will inform the Reporting Person and the Responding Person simultaneously and in writing of:

- a. the result of the disciplinary proceeding, including the sanction, if any;
- b. the rationale for the result; and
- c. The procedures for the Reporting Person and the Responding Person to request review of the result of the proceeding.

The Title IX Coordinator and other College officials with a legitimate educational interest will also be informed. Ordinarily, these persons will include:

For complaints against students: Vice-President of Student Services

6. Review of Decision

- a. Either the Reporting Person or the Responding Person may, within five (5) calendar days of receiving notice of the decision, request review of the decision by submitting to the Vice-President Student Services, with a copy to the Title IX Coordinator, a letter stating why the party requesting review

believes the finding of responsibility or the sanction should be set aside. A party may only request review on the following grounds:

- i. That the Title IX Coordinator or the Sanctioning Panel committed procedural error which materially prejudiced the party requesting review's case;
 - ii. That the Title IX Coordinator findings or the Sanctioning Panel's decision should be reconsidered because of newly discovered information which was not reasonably available to the party requesting review during the investigation and which would likely have affected either the finding of responsibility or the sanction imposed had it been available; or
 - iii. That the sanction imposed is excessive, insufficient, or inappropriate.
 - iv. A request for review must set forth in reasonable detail the grounds for review, and must have attached to it all materials that the party requesting review wishes to have considered.
- b. The President will designate a College official ("Reviewing Official") to consider each request for review. The Reviewing Official will decide in their sole discretion whether the request states one of the allowable grounds for review. If the Reviewing Official decides that the request states an allowable ground for review, they will notify the parties that the request will be considered and invite the other party to submit, within five (5) calendar days, a statement and supporting materials in response to the submission of the party requesting review.
 - c. The Reviewing Official will consult with the President concerning the request for review. The Reviewing Official may also consult with the TOCC attorney, the Investigator, and with the Sanctioning Panel with respect to requests to review the sanction.
 - d. The Reviewing Official may affirm the Investigator's or Sanctioning Panel's findings, reverse and remand the matter for further consideration, or refer the matter to a different Investigator for further consideration. If the matter is remanded to the Investigator or the Sanctioning Panel or referred to a different Investigator, the Reviewing Official will provide corrective instructions with the remand/referral. The Reviewing Official's decision will be in writing and, except in the case of a remand/referral, is final.
 - e. In the event of a remand or referral, the original or new Investigator, or the Sanctioning Panel, as the case may be, may conduct such further proceedings as they deem appropriate under the circumstances, consistent with this policy.

Review of decisions on remand may be requested by either party under the above procedure.

C. Timeframe for Completion of Investigation and Disciplinary Process

The College will ordinarily complete its investigation and disciplinary process, if any, within twenty (20) calendar days. All timeframes set forth in this policy may be extended by the Vice-President Student Services or President for good cause, with written notice to the Reporting and Responding Persons of the delay and the reason for the delay.

V. STUDENT EXPECTATIONS AND RIGHTS

A. Confidentiality; Respect for Privacy

Information regarding investigations conducted as part of the disciplinary process, including sanctioning determinations, will be shared among College officials with a legitimate educational interest or with external individuals or entities only on a need-to-know basis and only as permitted by College policy and applicable law. The College may choose to comment publicly, in writing or otherwise, to the extent permitted by law, regarding the decision reached if, in the judgment of the College, the best interests of the community would be served by such a disclosure. If possible and appropriate, the anonymity of the student(s) or employees involved will be protected. The responsible party for determining whether information will be provided is the Title IX designee or the VP of Student Services. The report of crime statistics that TOCC collects pursuant the Clery Act will not include any personally identifiable information about the victim of a crime.

B. Training of Officials Conducting Proceedings

All persons involved in implementing this policy will receive sustained mandated training on the issues related to TOCC's Nondiscrimination and Anti-Harassment Policy and how to conduct an investigation and review process that is prompt, effective, fair, and impartial.

C. Protection from Retaliation

The College will take appropriate steps to ensure that a person, who in good faith reports or participates in an investigation under this policy, will not be subjected to Retaliation by the Responding Person or others. Anyone who believes that they are experiencing Retaliation is strongly encouraged to report that concern using the procedure for the reporting violations of this policy.

D. Coordination with Concurrent Legal Proceedings

Persons may report to law enforcement and/or engage in civil litigation in connection with the same behavior that forms the basis of a report under this policy. Where a Reporting Person or another person with knowledge of possible violation of this policy has reported to law enforcement, the College will fulfill its responsibility to take prompt and appropriate action to provide protection and resources to the Reporting Person.

The College will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation and may need to delay temporarily an investigation under this policy while law enforcement is in the process of gathering evidence. Once law enforcement has completed its gathering of evidence, the College will resume and complete its investigation. If the Reporting Person wishes to pursue disciplinary charges under this policy while criminal proceedings are pending, or if the College determines that disciplinary proceedings should proceed, the College will not wait for the conclusion of the criminal case to proceed with the disciplinary process.

If the College finds that TOCC's Nondiscrimination & Anti-Harassment Policy has been violated, it will take effective steps to end it, prevent its recurrence, and address its effects, regardless of whether external legal proceedings are pending.

E. Advisors and Support Persons; Attorneys

Both Reporting Persons and Responding Persons are entitled to have a single advisor and/or observer of their choice accompany them at any meeting related to the investigation.

Advisors/observers may not actively participate in the case by answering questions or otherwise presenting on behalf of the parties. They may advise the parties privately but may not confer with them while the meeting is in progress, and will be subject to the same confidentiality expectations applicable to others in attendance.

The meeting facilitator may remove any person who distracts or disrupts the process.

F. Conflict of Interest

Any persons exercising authority under this policy who believe they may be unable to exercise that authority impartially in any case shall excuse themselves from the matter and will be replaced with another person. If the Reporting or Responding Person believes a person exercising authority under this policy has a personal, professional, or financial involvement with the Reporting or Responding Person that would prevent the person from exercising their authority impartially, they may make a prompt objection to the Title IX Coordinator.

If the Title IX Coordinator determines that the objection is reasonable, the challenged person will be replaced with another person. Because TOCC is a small community, knowledge of or acquaintance with the student(s) and/or witnesses in a matter, awareness of a matter, participation as a consequence of one's official role in events surrounding a matter, and/or participation in the investigation process prior to the formal disciplinary process, will not automatically be grounds for disqualification. The decision of the Title IX Coordinator regarding a challenge will be final.

G. Educational Programs and Campaigns

The essential elements of this policy, including the behaviors that are specifically forbidden, will be presented to all incoming students during their orientation sessions. All new employees will also be oriented to this policy. Both new students and incoming employees will be required to sign a statement indicating that they are aware of TOCC's Nondiscrimination & Anti-Harassment Policy

All faculty, staff, and students will be referred to personal handbook or the student handbook, which provides information on TOCC's Nondiscrimination & Anti-Harassment Policy.

TOCC will provide ongoing prevention and awareness campaigns including programming, initiatives and strategies that are sustained over time. The programming, initiatives and strategies will focus on increasing the understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault and stalking, using a range of strategies with audiences throughout the institution. This campaign will promote awareness of the services and programming at our institution.

Our campaign will use multiple strategies in a coordinated way throughout the year to reach all populations of students and employees at the institution. Campaigns will include but are not limited to:

- Communication strategies, such as social media posts, email blasts, notices on bulletin boards, posters, and/or KOHN 91.9 and *The Runner* advertisements;
- Programming, such as Take Back the Night events or a Safe Walk service, and the materials used to promote these activities;
- Programming coordinated with and delivered to individual groups on campus (e.g., presentations or workshops for individual sports teams, fraternity or sorority houses, or residence halls);
- Booths at student fairs or other campus events; and/or
- Historical Trauma, overcoming grief, and dealing with symptoms of PTSD
- Faculty discussing issues and available services in the classroom, or advertising programs or events.
- Partnerships with TOPD, Behavioral Health, Domestic Violence Program, Fire Department, Border Patrol
- TOPD: Active Shooter, Drug Identification, Sexual Assault, Campus Safety
- Behavioral Health: Professional Counseling, Sexual Awareness
- Domestic Violence: Healthy Relationships, Dating Violence
- Fire Department: CPR & First Aid, Fire Safety
- Border Patrol: Awareness on Undocumented individuals, climate awareness

VI. OTHER MATTERS

A. Rapid Response

To prevent delays, when positions authorized to exercise responsibility under this policy are vacant, or during the unavailability of persons holding those positions, the President may designate other persons to exercise their authority under this policy.

B. Protection Orders

TOCC does not issue protection orders. The Tohono O’odham Nation Court does issue protection orders. TOCC will comply with and will support students and staff in honoring protection orders. If a student or staff members has a protection order that is designed to provide protection and if that student or staff member is concerned that the order may be violated, the proper course of action is to notify the Title IX Coordinator or the VP of Student Services and they will assist in enforcement on campus and in any transportation the College provides.

C. Sex Offender Registry

If registered sex offenders are enrolled at or employed at a postsecondary institution employees and student will informed through the following steps:

1. Email
2. Text message
3. Posted in Reception area on all campuses

This registry is available for Arizona via the following link:

http://www.azdps.gov/services/sex_offender/

The Title IX Coordinator can help you do further checking into sex offender registries should you request any assistance.

APPENDIX I.

List of available services for victims of sexual assault, domestic violence, stalking, or dating violence.

Note: A list of resources within or near the Tohono O'odham Nation is being compiled and will be made available as soon as it is complete.