

## **SPC's Sexual Violence & Misconduct Procedures**

- **General Information**

The College takes sexual violence and misconduct seriously, and has policies and procedures in place to respond to formal allegations of sexual violence and misconduct that occur on College property or during any College sponsored activity. Sexual violence and misconduct can occur between students, between students and staff, between staff, or may involve other individuals who are neither employees nor students.

SPC uses the term sexual misconduct to include conduct that constitutes [sexual harassment](#) or sexual violence, which may include, but not be limited to, sexual assault and battery, and, domestic violence, dating violence and stalking of a sexual nature. Such conduct constitutes discrimination on the basis of sex and is a violation of the College's nondiscrimination policy. You can review the [Sexual Violence and Misconduct Procedure here](#) and the [Sexual Harassment Procedure here](#) for more information.

SPC wants its students and staff to know that it is committed to keeping its campuses and events safe. The following policies and procedures are in place to encourage victims to come forward and to foster a safer learning and working environment.

- **Reporting Incidents of Sexual Violence & Misconduct**

Reporting - Victims of sexual violence and misconduct on College property or in any College program or activity are encouraged to report incidents to Campus Safety & Security, the Title IX Coordinator or any of the designated reporting contacts on each campus as listed [on this webpage](#). Although you may report these incidents at any time, SPC encourages you to do so as soon as they occur so that SPC can respond quickly and investigate accordingly.

Options Regarding Notifying Law Enforcement - Know that you may report these incidents to law enforcement at your discretion. There is no requirement to do so. The College security staff and other administrators are available to assist you in contacting law enforcement if you so desire. You may also decline to notify law enforcement. Be mindful that if law enforcement is contacted, both law enforcement and SPC may maintain separate investigations.

Confidential Reporting – Although there are no College employees with legally-protected confidentiality (such as a pastor or professional counselor), the College provides students and employees with access to confidential reporting sources through its Student Assistance Plan and its Employee Assistance Plan as well as other confidential resources in the community.

Privacy – Although the College cannot guarantee complete confidentiality, every effort will be made to protect the privacy of all individuals while still providing a safe environment for the College’s faculty, staff, students, and visitors, as well as for the complainant. Information related to a report will be shared only with those who need to know in order to assist in the review, investigation and resolution of the report. If a victim (complainant) requests that SPC not disclose their name to the alleged offender (respondent), or not to investigate, this may limit SPC’s ability to respond to the incident. The College will complete its publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the complainant.

Interim Protective Measures – The Title IX Coordinator is obligated to act on any report of alleged sexual misconduct to ensure that prompt and appropriate interim measures are taken to stop adverse behavior and prevent its recurrence. As such, during the review or investigation of a report alleging sexual misconduct, interim protective measures such as: a change in class/work assignments or schedules, leaves of absence, withdrawal, no-contact directives, security escorts or any other appropriate interim measures, may be taken. The College will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality will not impair the ability of the College to provide them.

Retaliation - SPC’s retaliation policy protects any person who has filed a complaint or complained about sexual harassment or sexual violence and misconduct to any College employee or to any other person. It is a violation of the College’s policy to retaliate against any person who has filed a complaint, has complained to others or an outside agency, or is involved in the investigation, including witnesses.

All students and employees should promptly report their awareness of any sexual violence and misconduct to Campus Safety & Security, the Title IX Coordinator or any of the designated reporting contacts on each campus [as listed on this webpage](#). The individual receiving the report shall promptly notify the Title IX Coordinator.

- **Initial Review and Formal Investigation Process**

From the initial investigation to the final outcome, the College will investigate reports of alleged sexual violence and misconduct using a prompt, fair, and impartial process. The investigation and process will be conducted by individuals who are appropriately trained regarding sexual violence and misconduct issues and on how to conduct investigations and a process that protects the safety of victims and promotes accountability.

Upon receipt of a report of alleged sexual violence or misconduct, the Title IX Coordinator or designee will review the report to determine whether or not to proceed to a formalized grievance process. If there is no reasonable cause to believe that a College policy may have been violated, remedial efforts may be recommended and the matter may be referred to either the campus administration or Human Resources, as appropriate for further action.

If it is determined that reasonable cause exists that a College policy has been violated and an act of sexual misconduct has occurred, the Title IX Coordinator or designee will evaluate the information to determine, in conjunction with the complainant, if the matter may be resolved through informal means. If it is determined that informal resolution is not feasible and safe, the complaint will proceed to a formalized investigation and grievance process.

At the commencement of the formal grievance process, the alleged offender (respondent) will be notified of initiation of the grievance and provided with information regarding specific violations or allegations. The complainant and respondent will also be given the opportunity to separately review and discuss relevant policy and the grievance procedure with the Title IX Coordinator or designee.

During the investigation, both the complainant and respondent will have an opportunity to provide the Investigator (which may be the Title IX Coordinator or other appointed independent investigator) with any details, evidence and witness information. Each party will be provided a list of all pertinent and applicable evidence or documentation. Each party may have a support person or advocate present at all interviews in which they participate. Although the College will not limit the parties' choice of a support person or advocate, the College may place restrictions regarding the extent to which these individuals may participate during any interviews or meetings.

Upon completion of the investigation, the Investigator will prepare a summary report detailing the investigative findings and each party will be given a copy.

- **Adjudication Process**

The Title IX Coordinator will appoint an Adjudicator who will determine, using the "preponderance of the evidence standard," whether a violation of College policy has occurred. This means that the Adjudicator is convinced that a violation of policy was more likely than not to have occurred based on the information provided. The Adjudicator will review the investigative summary report; may meet with the complainant, respondent, and witnesses separately in order to clarify information; and may consult with the Investigator or Title IX Coordinator or others to clarify any information. If the Adjudicator requests to meet with either party, the other party will be given the opportunity to meet with the Adjudicator. Both parties will be given a list of all documentation or evidence compiled and considered by the Adjudicator and the opportunity for review and inspection upon request.

After a complete review of the investigative report and materials, the Adjudicator will issue a written statement of decision. The written statement of decision will be issued within 20 days of the Adjudicator's receiving the investigative summary report and materials.

- **Recommendation of Sanctions and Remedial Action**

If the Adjudicator determines that a violation of College policy has occurred, the Adjudicator's written statement of decision will include a recommendation of appropriate sanction(s) to be imposed based on College policies and procedures.

Faculty, staff, or administrators found in violation of any sexual misconduct policy are subject to remedial and disciplinary action up to and including, termination. Sanctions and remedial measures may also include, but are not limited to, reassignment of work duties and schedule, restrictions on contact with the complainant or witnesses, restrictions on access to College property and/or events, and required training. Faculty, staff, or administrators found in violation of any sexual misconduct policy will be referred to Human Resources for the imposition of sanctions, action or measures recommended by the Adjudicator.

Students found in violation of any sexual misconduct policy are subject to remedial and disciplinary action, up to and including suspension or dismissal, and shall be referred to their respective campus Associate Provost for imposition of the disciplinary action or remedial measures recommended by the Adjudicator. Sanctions and remedial measures may also include, but are not limited to, modifications to class schedule, restrictions on contact with the complainant or witnesses, restrictions on access to College property and/or events, and required training.

Visitors and other persons on campus who are neither SPC employees nor students, and who are alleged to have engaged in sexual misconduct, will be subject to corrective action, which may include removal from campus and/or termination of contractual arrangements. Those under contract will be notified if their employees are alleged to have violated any sexual misconduct policies, and these employees may be restricted from any and all College property.

Both the complainant and respondent will be notified in writing of the Adjudicator's decision and sanctions to be imposed, if any, including notice concerning the appeal process. To the extent possible, it is the intent that timeframe for the completion of the investigation and adjudication process (not including the appeal process) will be within 60 days.

- **The Appeal Process**

Either party may request an appeal of the decision and recommended sanctions on the following grounds:

- The party believes a procedural error occurred, which the party feels may change or affect the outcome of the decision;
- The party has substantive new evidence that was not available to the Investigator or Adjudicator at the time of the review and that may change the outcome of the decision;
- The party feels that the severity of the sanction is inappropriate given the details of the case.

Mere disagreement with the finding or sanctions is not grounds for appeal.

The request for an appeal, including the grounds upon which it is based, should be submitted in writing to the Title IX Coordinator within 10 calendar days from the date the decision letter is issued. The Title IX Coordinator will forward the appeal to the designated Appeals Officer. The party not making the appeal will have access to all materials submitted and be provided with an opportunity to respond.

The Appeals Officer will render a final decision within 14 calendar days of receipt of the formal appeal request. Both parties will be notified in writing of the outcome of the final decision. Appeals will not be reviewed or considered beyond the Appeals Officer.