

**I. Reports of Sex Discrimination/Sexual Harassment under Title IX**

Any person may, and any DACC employees will, report sex discrimination, including sexual harassment, whether the person reporting is the person who has been subject to the conduct that constitutes sex discrimination or sexual harassment. This could be done in person, by mail, by telephone, or by electronic mail using the contact information for the Title IX Coordinator listed in the policy. Such a report can be made at any time (including during non-business hours) by using the telephone number, email address, or by sending mail to the office of the Title IX Coordinator, whose address is listed in the policy.

A report of sexual harassment does not automatically result in a formal investigation and will follow the requirements of the law. The Title IX Coordinator will work with the complainant to provide supportive measures, access to resources, information about formal and informal resolution procedures, and information about filing a report with the appropriate law enforcement agency.

**II. Formal Complaint****A. Filing the Formal Complaint**

While anyone aware of a Title IX sexual harassment violation may contact the Title IX Coordinator to report the incident, only the complainant or the Title IX coordinator may file a formal complaint. In the case of a complainant who is under the age of 18, the complaint may be signed by a parent or guardian who has the legal right to act on behalf of the complainant. The complainant must be participating in or attempting to participate in an education program or activity of DACC when the alleged violation takes place. A complainant may file a formal complaint by either using the DACC-provided electronic submission system, or by physically or digitally signing a document and filing it as authorized in person, by mail, or by e-mail. To the extent possible, DACC will investigate a complainant's formal complaint, even if the respondent's identity is unknown, as the investigation may reveal the respondent's identity.

While DACC encourages complainants to file formal complaints within 30 days of the incident giving rise to the complaint to ensure that witnesses' memories are still fresh and evidence is obtainable to aid in the resolution of the complaint, there is no time limit or statute of limitations on a complainant's decision to file a formal complaint.

When the Title IX Coordinator believes that with or without the complainant's desire to participate in a grievance process, the allegations require an investigation, the Title IX Coordinator has the discretion to initiate a grievance process. In deciding whether to initiate the grievance process without a complainant's desire to file a formal complaint, the Title IX Coordinator will consider:

- Whether there is a pattern of alleged misconduct by a particular respondent; and
- Whether a complainant's allegations involved violence, use of weapons, or similar factors.

In situations where the Title IX Coordinator initiates or signs a formal complaint, the Title IX Coordinator is not a complainant and such an action is not an indication of bias on the Title IX Coordinator's part. When a formal complaint is signed by the Title IX Coordinator, all parties must receive notice with details of the allegations and the identities of the parties, if known.

Investigations may be delayed and any timeframes contained in Policy ACAA-2 or its supporting regulation/exhibit may be extended for good cause with written notice provided by DACC to complainants and respondents, including the reason for the delay or extension. Good cause may include but is not limited to considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Delays caused solely by administrative needs are not considered good cause.

*I WOULD LIKE TO IDENTIFY SPECIFIC STEPS FOR A FORMAL INVESTIGATION INCLUDING WHERE DO I BEGIN IF I AM A HIGH SCHOOL STUDENT, ADULT STUDENT OR STAFF MEMBER.*

1. Any high school student-alleged sexual harassment should be made to DACC's Title IX coordinator using the contact information below. The student may report the complaint to the building principal who will assist the student to report the complaint to the Title IX coordinator,
2. Any adult education student-alleged sexual harassment should be reported to the Title IX coordinator using the contact information below. The student may report the complaint to the Director of Adult Education who will assist the student to report the complaint to the Title IX coordinator.
3. Any staff-alleged sexual harassment should be made directly to the Title IX coordinator using the contact information below.

## **B. Jurisdiction**

DACC has jurisdiction to address conduct that constitutes Title IX violations that occur within DACC's educational programs or activities within the United States. For the purposes of the Policy, DACC's "educational programs or activities" include locations, events, or circumstances over which the DACC exercises substantial control over both the responding party and the context in which the prohibited conduct occurred.

The Title IX coordinator will determine if DACC has jurisdiction to address the complaint as a Title IX violation. If it is determined DACC has jurisdiction, DACC will provide to all know parties written notice of:

- DACC's grievance process;
- Allegations of sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
- DACC's position that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- The parties right to have an advisor of their choice, who may be an attorney;
- The parties right to inspect and review evidence;
- DACC's prohibition on knowingly making false statements or knowingly submitting false information during the grievance process;
- The date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate, and;
- Additional allegations not included in the original notice.

### **C. Dismissal of Formal Complaint**

If upon review of the formal complaint DACC determines that it does not have jurisdiction to pursue the complaint pursuant to Title IX, it will dismiss the complaint from investigation under this Policy. DACC may also dismiss a formal complaint under this Policy or allegations therein if:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by DACC; or
- Specific circumstances prevent DACC from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

DACC will send written notice of the dismissal and the reasons for dismissal, simultaneously, to all parties. Such a dismissal does not preclude DACC from proceeding under another District policy, regulations or code of conduct.

## **III. General Provisions**

### **A. Privacy and Confidentiality**

Privacy and confidentiality have separate and distinct meanings under this Policy:

#### **1. Privacy**

DACC, to the extent permitted by law, respects the privacy of both parties and other participants in the Title IX investigation process. Privacy generally means that information related to the report and investigation of alleged Title IX violations will only be shared with a limited selection of individuals whose knowledge is necessary to respond to claims of such violations. Such response includes the reviewing of reports, investigating claims,

participating in investigations, conducting hearings, reviewing appeals, and other related issues. Student education records are protected in compliance with the Family Educational Rights and Privacy Act (FERPA), Revised Code Section 3319.321 and other applicable laws in Ohio.

DACC must obtain written consent from a party before DACC may receive any health or other treatment records. If a party provides written consent for medical or other treatment records to become part of an investigation's case file, both parties must be able to review and comment on those records if the investigation moves towards an investigative report and decision.

## **2. Confidentiality**

DACC will keep confidential, the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statutes or regulations, as required by law, or to carry out the purposes of this Policy, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Confidentiality applies to certain types of information that cannot be revealed or distributed to other persons without express permission of the individual to whom the information pertains, or as otherwise permitted or required by law. Certain campus and community professionals, such as health care and mental health professionals, maintain confidential relationships in their professional capacities with patients and clients under the privilege created by Ohio law.

### **B. Equitable Treatment**

Complainants and respondents are eligible for supportive measures as defined within this policy's exhibit. DACC will not impose disciplinary sanctions against a respondent pursuant to the Policy unless a determination of responsibility for sexual harassment has been made against the respondent.

DACC will conduct an objective evaluation of all relevant evidence – including both evidence indicating that the respondent is responsible for the alleged policy violation (“inculpatory evidence”) and evidence indicating that the respondent is not responsible for the alleged policy violation (“exculpatory evidence”). DACC will not require, allow, rely upon, evaluate, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected by a legally recognized privilege (e.g., attorney client), unless the person holding such privilege has waived the privilege.

### **C. Bias and Conflicts of Interest**

Any individual designated by DACC as a Title IX Coordinator, investigator, decision-maker, or any person designated by a District to facilitate an informal resolution process,

must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The following will not be considered evidence of bias:

- The Title IX Coordinator's initiation of a formal complaint, or;
- An individual's decision that allegations warrant an investigation.

DACC will apply an objective (whether a reasonable person would believe bias exists), common sense approach to evaluating whether a particular person serving in a Title IX role is biased, and will exercise caution not to apply generalizations that might unreasonably conclude that bias exists. An individual's current job title, professional qualifications, past experience, identity, or sex will not alone indicate bias.

Use of trauma-informed practices will not be considered evidence of bias when such practices do not:

- Rely on sex stereotypes;
- Apply generalizations to allegations in specific cases;
- Cause loss of impartiality, and;
- Prejudge of the facts at issue.

#### **D. Emergency Removal**

If, after receipt of a complaint and an individualized safety and risk assessment, DACC determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of a respondent, DACC may remove the respondent on an emergency basis. A removed respondent will receive notice and an opportunity to challenge the decision immediately following the removal. Any emergency removal under this paragraph must also comply with ORC 3313.66, the IDEIA, and Section 504 of the Rehabilitation Act, as applicable and is not considered discipline for purposes of this policy. Threats must pose more than a generalized, hypothetical, or speculative risk to health and safety for emergency removal to be appropriate.

#### **E. Administrative Leave**

Non-student employees may be placed on administrative leave during the grievance process.

#### **F. Supportive Measures**

DACC will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of DACC to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Throughout any informal process, formal process, and/or appeals process, the Title IX

Coordinator will continually reassess and discuss appropriate supportive measures with the parties.

DACC offers supportive measures to both complainants and respondents. Upon receipt of a report of an identifiable complainant, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint and explain to the complainant the process for filing a formal complaint. If the Title IX Coordinator does not offer supportive measures to the complainant, the Title IX Coordinator must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Upon noticing a respondent of a report raising potential sexual harassment violations against the respondent, the Title IX Coordinator will discuss with the respondent the availability of counseling and may discuss the availability of other supportive measures discussed above, where the Title IX Coordinator deems appropriate.

The Title IX Coordinator will document all discussions and offers of supportive measures to all parties, as well as whether the parties accepted or declined any offers. If a party declines an offer of supportive measures, the Title IX Coordinator will document the party's stated reason for declining the offer.

#### **G. Retaliation**

Neither DACC nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Policy ACCA-2, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations and/or Policy ACCA-2. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination adopted by the DACC.

#### **IV. Informal Process**

After the initiation of a formal complaint of sexual harassment, if all parties voluntarily consent in writing, DACC will assist the parties in an informal resolution process. An informal resolution process is available at any time prior to reaching a determination regarding responsibility in the grievance process, except in the cases of reports of sexual harassment of a student by a District employee.

Before initiating an informal process, DACC will: (1) provide the parties a written notice; and (2) obtain the parties' voluntary, written consent to the informal resolution process. The written notice that DACC will provide to the parties will disclose the allegations, the requirements of the informal resolution process (described below), and any consequences resulting from participating in the informal resolution process. DACC's informal process provides that, at any time prior to agreeing to a resolution, any party has

a right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

Upon initiation of the informal process, the Title IX Coordinator will designate an individual who will attempt to mediate the dispute through meetings with the parties. The informal resolution process will be completed within five (5) days of such designation, provided that the Title IX Coordinator may approve an adjustment to this timeframe with the consent of the parties. Although face-to-face mediation or a restorative justice conference may be suggested, parties will never be required to meet directly with one another as part of the informal resolution process.

When sexual harassment allegations can be resolved through informal resolution by mutual consent of the parties and on a basis that is acceptable to the Title IX Coordinator, the resolution process shall be considered finally decided and there will be no subsequent process or appeal.

## **V. Investigative Process for Formal Complaints**

### **A. Presumption Of Not Responsible**

There is a presumption that a respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

### **B. Advisors**

Parties will have equal opportunities to have others present during the grievance proceeding, including the opportunity to be accompanied by the advisor of their choice, who may be, but is not required to be, an attorney. DACC will not limit the choice or presence of an advisor for complainant or respondent in any meeting or grievance proceeding. Advisors are required to abide by District restrictions regarding the extent to which they may participate in proceedings, and any restrictions will apply equally to both parties. If a party's advisor refuses to comply with restrictions set by DACC, DACC may require the party to use a different advisor.

### **C. The Investigator**

The Title IX Coordinator will designate an investigator to conduct the investigation of the complaint. The investigator will not be the Title IX Coordinator nor the decision-maker. The investigator will conduct a thorough and prompt investigation and prepare the investigative report as detailed below.

### **D. Evidence**

The standard of evidence under this policy for review of formal complaints against students and employees, including faculty, is preponderance of the evidence. The standard of evidence reflects the "degree of confidence" that a decision-maker has in the

correctness of the factual conclusions reached. Under the preponderance of the evidence standard, the decision-maker determines that a conclusion is based on facts that are more likely true than not. Where the decision-maker determines that the evidence in a case is “equal” or “level” or “in equipoise,” the preponderance of the evidence standard has not been met and results in a finding that the respondent is not responsible.

DACC will apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on DACC and not on the parties.

DACC will not access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless DACC obtains that party’s voluntary, written consent.

DACC will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

DACC will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. A party’s communication with a witness or potential witness is considered part of a party’s right to meaningfully participate in furthering the party’s interests in the case, and not an “interference” with the investigation. When a party’s conduct toward a witness, however, might constitute “tampering” (for instance, by attempting to alter or prevent a witness’s testimony), such conduct also is prohibited as retaliation.

The parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence DACC does not intend to rely upon in reaching a determination regarding responsibility. DACC will not consider or provide for inspection and review evidence that DACC knows was illegally or unlawfully created or obtained. DACC may impose on the parties and party advisors restrictions or require a non-disclosure agreement not to disseminate any of the evidence subject to inspection and review.

Prior to completion of the investigative report, DACC will send to each party and the party’s advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

In those cases where a hearing is held, (Adult Education only), all evidence subject to the parties’ inspection and review will be available at the hearing to give each party equal



opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

### **E. Timeframe**

DACC will attempt to complete most investigations within 60 days. The timeframe for formal investigations will begin upon the filing of a formal complaint and will conclude upon submittal for adjudication. DACC will attempt to accommodate the schedules of parties and witnesses, however, grievance resolution must be completed in a reasonably prompt timeframe, and must proceed to conclusion even in the absence of a party or witness.

### **F. Investigative Report**

DACC will prepare an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, send the investigative report to each party and the party's advisor, if any. The investigative report may be in an electronic format or a hard copy, for their review and written response. If the determination is made without a hearing, this 10 day period for the parties to provide written responses runs concurrently with the 10 day period in Paragraph VI (A)(1) below for parties to provide any questions to the decision-maker. The report will not include a summary of evidence which is not considered to be relevant. If a party disagrees with an investigator's determination about relevance, the party may argue relevance in their written response and/or to the decision-maker during adjudication of the complaint. If the investigative report involves multiple complainants, multiple respondents, or both, DACC may issue a single investigative report.

The investigative report may include recommended findings and conclusions, however, the decision-maker will objectively evaluate relevant evidence and will not defer to recommendations made by the investigator.

## **VI. Adjudication**

### **A. Introduction**

Upon the conclusion of the investigation, the grievance procedure will move into the adjudication phase. Under Title IX, complaints that arise from post-secondary programs, such as DACC's adult education program, require a hearing with cross-examination. There will be no hearings for any complaints that arise from DACC's secondary programs. When any party is a participant or employee in the DACC's adult education program, even if another party is a participant or employee in DACC's secondary program, there may be circumstances under which a live hearing is required by the federal regulations. In those cases, the post-secondary hearing procedures set forth below will be applicable. The Title IX Coordinator will provide all parties with written notice of the applicability of the hearing procedures as soon as practicable after such a determination is made. Regardless of whether a hearing is held, during the adjudication process only relevant cross-examination and other questions may be asked of a party or witness.

The Title IX Coordinator will appoint a person to serve as decision-maker for the complaint. The decision-maker will not be the Title IX Coordinator or the investigator. The decision-maker is under an obligation to objectively evaluate all relevant evidence both inculpatory and exculpatory, and must therefore independently reach a determination regarding responsibility without giving deference to the investigative report. The decision-maker has the right and responsibility to ask questions and elicit information from parties and witnesses on the decision-maker's own initiative to aid the decision-maker in obtaining relevant evidence both inculpatory and exculpatory, and the parties also have equal rights to present evidence to the decision-maker so the decision-maker has the benefit of perceiving each party's unique perspectives about the evidence.

### **1. Adjudication without a Hearing (Secondary Programs)**

After DACC sends the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker will afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness. The parties will provide any questions to the decision-maker within 10 days of issuance of the investigative report. This 10 day period runs concurrently with the 10 day period to provide written responses to the investigative report in Paragraph V (E) above. After the close of the period to submit questions, the decision-maker will forward relevant questions to each party/witness. Each party/witness will have five (5) days to provide the decision-maker with answers, which the decision-maker will share with the parties. The decision maker will allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker will explain to the party proposing the questions any decision to exclude a question as not relevant.

### **2. Adjudication with a Hearing (Adult Education Program Only)**

Upon conclusion of the investigation, DACC will conduct a live hearing. The Title IX Coordinator will appoint a hearing officer to oversee and/or conduct the hearing. This person may or may not be the decision maker.

Hearings will be conducted with all parties physically present in the same geographic location or, at DACC's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. DACC will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

At the live hearing, the hearing officer will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those

challenging credibility. Cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. All questioning will be relevant, respectful, and non-abusive. No party will be "yelled" at or asked questions in an abusive or intimidating manner.

Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. DACC will not require parties to submit cross-examination questions before they are asked. The hearing officer may determine a question is irrelevant, however, parties are not permitted to waive a question.

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker will not rely on any statement of that party or witness, respectively, in reaching a determination regarding responsibility. The decision-maker will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. Exceptions to this rule will not be made, including for:

- Statements against a party's interest;
- Unavailability of a witness, including for death or post-investigation disability;
- Statements of a party or witness contained within police or SANE reports;
- Statements in texts or emails which do not constitute verbal conduct.

Video evidence showing the conduct alleged within a complaint may be considered, even if the party does not submit to cross-examination. A respondent's alleged verbal conduct, that itself constitutes the sexual harassment at issue, is not considered the respondent's statement, and constitutes part or all of the underlying allegation of sexual harassment itself.

If a party does not have an advisor present at the live hearing, DACC will provide, without fee or charge to that party, an advisor of DACC's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Parties will not be permitted to conduct cross examination on their own. Each party will notify DACC, no later than five (5) days before the hearing if they intend to have an advisor present.

## **B. Written Determination Regarding Responsibility**

Within 20 days after the hearing or non-hearing process is complete, the decision-maker will issue a written determination of responsibility. The determination of responsibility will include:

- Identification of the allegations potentially constituting sexual harassment
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions DACC imposes on the respondent, and whether remedies will be provided by DACC to the complainant, and;
- DACC's procedures and permissible bases for the complainant and respondent to appeal.

### **C. Weighing Credibility**

The decision-maker will evaluate all relevant evidence for weight or credibility. The degree to which any inaccuracy, inconsistency, or implausibility in a narrative provided by a party or witness should affect a determination regarding responsibility is a matter to be decided by the decision-maker. Credibility determinations are not based solely on observing demeanor, but also are based on other factors (e.g., specific details, inherent plausibility, internal consistency, corroborative evidence). Corroborating evidence is not required.

### **D. Sanctions and Remedies**

If it is determined that a respondent violated the Policy, DACC will institute sanctions reasonably calculated to stop the conduct, prevent its recurrence and remedy its effects. Sanctions for respondents may include anything from a warning, up to and including disciplinary expulsion or termination. DACC will also provide remedies to complainants found to have been subjected to conduct which violates the Policy. Remedies could include counseling, academic accommodations, academic support, and employment accommodations.

## **VII. Appeal Process**

Complainants and respondents may appeal the decision-maker's determination regarding responsibility, or DACC's dismissal of a formal complaint or any allegations therein by filing a notice of appeal with the Title IX Coordinator, including the grounds supporting the appeal, within five (5) days of issuance of the determination. DACC will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. The parties must file their written statement with DACC within five (5) days of receipt of the notice of appeal. The appeal officer will issue a written decision describing the result of the appeal and the rationale for the result within ten (10) days of the due date for the written statements of the parties and provide the written decision simultaneously to both parties.

The grounds for appeal are:

- Procedural irregularity that affected the outcome of the matter<sup>1</sup>;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter, and;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

All grounds for appeal will be available to all parties.

The appeal officer will not be the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator.

### **VIII. Record Keeping**

DACC will retain all records of each investigation instituted under this policy for seven (7) years. Records will include all documents, recordings, or transcripts from investigations, hearings, appeals, and informal resolutions. The first date of the first record created by DACC will begin the seven year retention period. Records will be maintained for all investigations including investigations that have been dismissed, completed, or otherwise resolved.

DACC will also maintain and publish on DACC's website training materials of employees who serve as Title IX Coordinators, investigators, decision-makers, and persons who facilitate informal resolutions.

Investigators will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Decision-makers will receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

Training under this section is required on an as-needed basis. Training materials for training under this section will be made publicly available through DACC's website. Published training materials will be up-to-date and reflect the latest training provided.

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<sup>1</sup> Procedural irregularity includes DACC's failure to objectively evaluate all relevant evidence, including inculpatory and exculpatory evidence. It also includes erroneous relevance determinations.

The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, will receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.