

Sexual Misconduct Procedure; Student	Procedure Number	3.18P
	Effective Date	October 9, 2020

1.0 PURPOSE

In accordance with Policy 3.18, the purpose of this procedure is to outline the process of review and potential action of discrimination, sexual harassment and sexual misconduct assertions.

2.0 REVISION HISTORY

Adopted on: 8/11/20 by Temporary Executive Order through 12/11/20; 10/9/20
 Revised: 2/26/24, Renumbered from 3.22P to 3.18P on 1/7/26 per Cabinet approval on 12/23/25

3.0 PERSONS AFFECTED

LCCC students and employees are affected by this procedure.

4.0 DEFINITIONS

- A. *Advisor* – An advisor is a person acting as a process advisor, representing the best interest of the complainant or respondent who is not the complainant or respondent. An advisor may be, but not need be, an attorney. Both parties have the same opportunity to select an advisor of the party's choice at their own expense. The role of the advisor is to assist the complainant or respondent with navigating and understanding the process. The advisor may attend with their designated complainant or respondent any meeting or conversation related to the investigation, including the initial intake meeting. This is not the same as an Academic Advisor. The word, 'advisor,' is the term used by the Department of Education's Title IX Final Rules.
- B. *Complainant* – The student who is alleged to be the victim of conduct that could constitute discrimination, sexual harassment or sexual misconduct.
- C. *Dating Violence* – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship, and (3) the frequency of interaction between the persons involved in the relationship. 34 USC § 12291(a)(10)
- D. *Domestic Violence* – Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic violence law of the State of Wyoming, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic violence or family violence of the State of Wyoming. 34 USC § 12291(a)(8)
- E. *Effective Consent* – Words or actions that show a knowing and voluntary agreement to engage in

mutually agreed-upon sexual activity. Effective Consent cannot be gained by force, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another, where the accused student knows or reasonably should have known of such incapacitation. Effective Consent is also absent when the activity in question exceeds the scope of Effective Consent previously given. In addition, Effective Consent is absent when a person has not reached the designated minimum age under which a person can give "Effective Consent," under Wyoming Law. See Wyo. STAT. ANN. §§ 6-2-301-320(2011).

- F. *Formal Complaint* – Document filed by a complainant or signed by the Title IX Coordinator alleging discrimination, sexual harassment, or sexual misconduct against a respondent and requesting an investigation of the allegation.
 - 1) At the time of filing a formal complaint, a complainant must be a current or prospective student participating in or attempting to participate in an LCCC program or activity.
 - 2) A formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or the online incident reporting form.
 - 3) Document filed by a complainant must contain the complainant's physical or digital signature; or indication the complainant is the person filing the formal complaint (such as a student ID number).
 - 4) Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a grievance process and must comply with requirements for Title IX personnel to be free from conflicts or bias.
- G. *Formal Resolution* – A meeting between a hearing board and a student(s) or organization who has/have been accused of violating the Sexual Misconduct Policy. This process allows the student(s) or organization the opportunity to respond to the concern, to contest the information within the reports if applicable, and appeal the outcome of the hearing under certain criteria.
- H. *Hearing Board* – A team of three or more trained College officials designated to hear conduct cases, and make decisions of responsible or not responsible.
- I. *Incapacitation* – Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity. Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated.

A person who is incapacitated is unable, temporarily or permanently, to give consent because of mental or physical helplessness, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

When alcohol or other drugs are involved, incapacitation is an excessive state of drunkenness or intoxication for an individual. A person is not necessarily incapacitated merely as a result of drinking or using drugs; the level of impairment must be significant enough to render the person unable to give consent. The impact of alcohol and other drugs varies from person to person, and a person's level of intoxication may vary based upon the nature and quality of the substance imbibed, the person's weight, tolerance, ingestion of food and other circumstances. A person's level of impairment may also change rapidly.
- J. *Informal Resolution* – A meeting between a conduct officer and a student(s) or organization who has/have violated the Sexual Misconduct Policy. The informal process is for students who have

taken responsibility for their actions and are not disputing the facts of what occurred. Informal resolutions are mutually agreed upon decisions and as such are not appealable. If a mutual decision cannot be reached by the conclusion of the informal resolution, the case will transfer to the formal resolution process.

- K. *Investigator* – A trained College official designated by the Title IX Coordinator to investigate cases of misconduct.
- L. *Non-Consensual Sexual Contact* – Sexual Contact that occurs without Effective Consent.
- M. *Non-Consensual Sexual Intercourse* – Sexual Intercourse that occurs without Effective Consent.
- N. *Respondent* – Person who has been reported to be the perpetrator of conduct that could constitute discrimination, sexual harassment or sexual misconduct.
- O. *Responsible Employee* – Any employee who has the authority to take action to address the harassment or has the duty to report harassment or other types of misconduct to appropriate officials.
- P. *Retaliation* – Taking adverse action against students or employees for the exercise of rights under this procedure; for having brought forward a charge of sexual harassment/misconduct; or for having testified, assisted, or participated in any manner in an investigation or hearing or other proceeding under this procedure.
Forms of retaliation include but are not limited to the following:
 - 1) Applying workplace rules more stringently to an employee than to others
 - 2) Being improperly “written up” for discipline without justification
 - 3) Being wrongfully terminated, demoted, or denied new opportunities
 - 4) Being isolated from co-workers
 - 5) For students, continued harassment
- Q. Sexual Assault – Any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent. 34 USC § 12291(a)(29)
- R. *Sexual Contact* – The deliberate touching of a person’s intimate parts (including genitalia, groin, breast or buttocks, or clothing covering any of those areas), or using Force to cause a person to touch his or her own or another person’s intimate parts.
- S. *Sexual Exploitation* – Taking sexual advantage of another person without Effective Consent, without limitation, and may include, but is not limited to: causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts (including genitalia, groin, breasts or buttocks) of another person; allowing third parties to observe private sexual acts; engaging in voyeurism; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV.
- T. *Sexual Harassing Behavior* – Unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:
 - 1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, of obtaining an education or of obtaining educational benefits or opportunities.

- 2) Such conduct is so severe and pervasive and objectively offensive, that it effectively denies a person equal access to the recipient's education program or activity; or has the purpose or effect of substantially interfering with an individual's employment, education, educational benefits or opportunities, creating an intimidating, hostile or offensive employment or education environment. Sexual harassment as defined herein is generally conduct or communication by someone in authority but also includes any sexual harassment as defined when perpetrated on any student or employee by any other student or employee.
- 3) Any instance of sexual assault, dating violence, domestic violence, or stalking.

U. *Sexual Intercourse* – Penetration (anal, oral or vaginal) by a penis, tongue, finger, or an inanimate object.

V. *Sexual Misconduct* – A broad term encompassing “Sexual Exploitation,” “Sexual Harassing Behavior,” “Non-Consensual Sexual Contact,” “Sexual Violence,” and “Non-Consensual Sexual Intercourse,” as defined in this procedure. Sexual Misconduct can occur between strangers or acquaintances including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by any person against another person, regardless of sex.

Sexual Misconduct includes but is not limited to:

- 1) Sexual name calling, jokes, spreading sexual rumors, or overly personal conversations of a sexual nature
- 2) Subtle pressure for sexual activity
- 3) Inappropriate patting, pinching or fondling, pulling at clothes, or intentional brushing against an individual's body
- 4) Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status
- 5) Any sexually motivated unwelcome touching, cornering, or blocking an individual's movement
- 6) Conditioning a student's grade or academic progress on submission to sexual activity
- 7) Hanging or displaying sexually explicit pictures, posters, drawings or any other inappropriate items anywhere on the college campus or virtual campus.
- 8) A pattern of conduct intended to cause discomfort or humiliation, or both, that includes one or more of the following
 - a. Unnecessary touching or hugging
 - b. Remarks of a sexual nature about a person's clothing or body, or remarks about sexual activity or speculations about previous sexual experiences

W. *Sexual Violence* – Physical sexual acts, including but not limited to “Sexual Exploitation”, “Non-Consensual Sexual Contact”, and “Non-Consensual Sexual Intercourse”, perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol, or an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All acts of sexual violence are forms of sexual harassment.

X. *Stalking* – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress. 34 USC § 12291(a)(30)

Y. *Student* – A student may be a current student, new or prospective student, or a returning student. A current student is an individual enrolled in credit-bearing classes at LCCC. A new or prospective student is an individual who has never attended a postsecondary institution following high school completion, and who has not previously registered for or attended classes at LCCC. A returning student is an

individual who has not been enrolled at LCCC for one or more semesters and is choosing to return.

- Z. *Supportive Measures* – Resources, advocate referrals or individualized services reasonably available that are designed to ensure equal educational access, protect safety, or deter discrimination, sexual harassment, or sexual misconduct. They are non-punitive, non-disciplinary, and should not be unreasonably burdensome to the other party.
- AA. *Virtual Campus* – A virtual campus or e-campus refers to the online offerings of LCCC where college work is completed either partially or wholly online. It includes synchronous, asynchronous, and hybrid course environment, as well as LCCC student email as stated in Student Email Procedure 8.5P.

5.0 RESPONSIBILITY

- A. All members of the LCCC community including students, staff, faculty members, contractors and visitors of LCCC are required to report acts of discrimination, sexual harassment, and sexual misconduct. It is preferred but may not be likely in all cases of reporting, that the first report is made to the Title IX Coordinator and/or HR. In the event the report is made to another LCCC representative, the institution is formally on notice and it is imperative that these individuals report to the Title IX coordinator immediately.
- B. All employees are responsible employees, except health professionals and those covered by statute (e.g., licensed mental health counselors, clergy, etc.) must report sexual harassment or sexual misconduct within 24 hours to the Title IX Coordinator regardless of whether a formal complaint was filed.

6.0 TITLE IX COORDINATOR

- A. Title IX – The purpose of Title IX is to eliminate discrimination on the basis of sex in any education program or activity receiving Federal financial assistance.
- B. Title IX Coordinator – The Title IX coordinator is responsible for overseeing LCCC's Title IX compliance efforts and must:
 - 1) Communicate to all LCCC constituents regarding Title IX and how to gain access to their rights under Title IX
 - 2) Review all LCCC policies to assure institutional compliance with Title IX
 - 3) Ensure training is provided regarding Title IX and designate appropriate trained officials to serve as investigators
 - 4) Be available to meet with students who believe sexual misconduct, discrimination or assault has occurred
 - 5) Ensure that complaints are handled through consistent practices and standards
 - 6) Upon receiving notice of potential acts of sexual misconduct or assault, either personally investigate the incident or oversee the investigation

4.1 PROCEDURES

- A. The Title IX Coordinator has the authority to investigate the allegations of discrimination, sexual harassment and sexual misconduct prohibited by Title IX even absent the filing of a formal complaint, its subsequent withdrawal, or level of participation by the complainant or respondent. In addition, the Title IX Coordinator may proceed with investigating a formal or

informal complaint or report even if a complainant specifically requests that the matter not be pursued. In any circumstance of potential sexual harassment or sexual misconduct the Title IX Coordinator will take all reasonable steps to investigate and remediate the matter.

- 1) Persons who file frivolous or bad faith allegations of sexual harassment or sexual misconduct may be subject to disciplinary action in accordance with Policy 6.10 and Procedure 6.10P Employee Conduct and Discipline, or student discipline procedures as found within Procedure 3.14.2P Student Discipline Adjudication Procedures.
- B. The Title IX Coordinator will ensure that several LCCC officials are trained in Title IX investigations and hearings and will be responsible for investigating or assigning the investigation to a trained investigator for each complaint under Title IX. For example, it is likely that complaints received involving employee misconduct will be investigated by HR. Trained officials may include an LCCC faculty, staff, or administrator; or an outside agency approved by the Title IX Coordinator.
- C. The Title IX Coordinator shall receive and investigate anonymous complaints and any complaint against a LCCC contractor, vendor, affiliate, student or employee.
- D. The Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's needs 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, as well as the right to have an advisor present.
- E. A formal complaint process is initiated when a complainant submits a verbal or written statement alleging sexual discrimination, sexual harassment or sexual misconduct prohibited by Title IX to the Title IX Coordinator. In the statement, the complainant may choose to include accommodation requests (for example, requesting to be moved to another section of a course). Prompt submission of the complaint is encouraged.
- F. The Title IX Coordinator shall conduct a preliminary assessment, and may dismiss the complaint without further process or review if the Title IX Coordinator determines that the complaint on its face is frivolous, not credible, clearly without merit, or outside the scope of these formal complaint procedures. If warranted, the Title IX Coordinator will communicate the dismissal to the appropriate parties.
- G. If the complaint is not dismissed, the Title IX Coordinator will investigate the matter or assign investigators and supervise the investigation, and send written notice to both the complainant and respondent of the allegations. Investigations shall ordinarily be completed within 30 business days following the date the complaint is received. The Title IX Coordinator may approve an extension of time for good cause.
- H. The investigators shall review pertinent records, conduct interviews as appropriate, and prepare a written report.
 - 1) The burden of gathering evidence and burden of proof must remain with LCCC, not the parties.
 - 2) LCCC will provide equal opportunity for both parties to present fact, expert witnesses and other pertinent information.

- 3) The Respondent is presumed non-responsible until the final determination is made.
 - 4) Interviews, when appropriate, will be conducted with the complainant and the respondent; other individuals may also be interviewed as needed (e.g., witnesses, supervisors, students, department head). Written notice of interviews, meetings, or hearings will be sent in advance.
 - 5) Both parties have the same opportunity to select an advisor of the party's choice at their own expense. The role of the advisor is to assist the complainant or respondent with navigating and understanding the process. The advisor may attend with their designated complainant or respondent any meeting or conversation related to the investigation, they may ask procedural or process questions and may conduct a cross-examination at the hearing. LCCC has the sole discretion to limit, restrict or modify an advisor's role.
 - 6) Confidentiality, to the extent possible, shall be respected consistent with LCCC's obligation to investigate all reports of discrimination, sexual harassment or sexual misconduct and prevent recurrence of offending behavior.
 - 7) LCCC will send the parties and their advisors', information directly related to the allegations and an investigative report that fairly summarizes relevant information in electronic format or hard copy, with at least 10 business days for the parties to respond.
 - 8) In evaluating consent in cases of alleged incapacitation, LCCC asks two questions: (1) *Did the person initiating sexual activity know that the other party was incapacitated?* And, if not, (2) *Should a sober, reasonable person, in the same situation, have known that the other party was incapacitated?* If the answer to either of these questions is "yes," consent was absent and the conduct is likely a violation of this procedure.
 - a) One is not expected to be a medical expert in assessing incapacitation. One must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs often include slurred or incomprehensible speech, unsteady manner of walking, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: Do you know where you are? Do you know how you got here? Do you know what is happening? Do you know whom you are with?
 - b) One should be cautious before engaging in sexual activity when either party has been drinking alcohol or using drugs. The use of alcohol or other drugs may impair either party's ability to determine whether consent has been sought or given. If one has doubt about either party's level of intoxication, the safe thing to do is to forego all sexual activity. A respondent's intoxication will not excuse the respondent from the obligation to obtain consent as described in this procedure.
 - 9) LCCC may consolidate formal complaints where the allegations arise out of the same facts.
 - 10) LCCC may dismiss a formal complaint of allegation if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegation; if the respondent is no longer enrolled or employed by the school, or if specific circumstances prevent LCCC from gathering sufficient evidence to reach a determination.
- I. Hearings & Cross-Examination – After the investigation has been completed, the investigators prepare a written report. The report is submitted to the Title IX Coordinator/designee and will contain the following information:
- 1) Involved parties

- 2) Alleged allegations
- 3) Timelines of the case and investigation
- 4) Summary of interviews
- 5) Credibility assessment
- 6) Findings of fact

The investigative report will be sent simultaneously to both parties and their advisor, as well as the Hearing Board prior to the hearing.

A live hearing will take place with a Hearing Board consisting of at least three trained officials; one of whom will serve as the Hearing Board Chair. A virtual hearing will be considered the same as a live hearing. Either party may request a virtual hearing. Hearings will be recorded or transcribed and will be the sole property of LCCC.

- 1) Ordinarily, the hearing will take place 10 (ten) business days after the parties are sent the investigative report.
- 2) Pre-hearing meetings will occur between the Hearing Board Chair and/or Title IX Coordinator/Designee and each party, including their advisor, to ensure understanding and preparation of the hearing process.
- 3) Both parties are provided the opportunity to have an advisor present at the hearing.
- 4) If a party does not have an advisor, they will notify the Hearing Board at least 2 (two) days prior to the hearing. In the event that a party does not have an advisor, LCCC will provide an advisor of the school's choice to conduct cross-examination on behalf of that party. No party may represent themselves in conducting cross-examination.
- 5) Each party will submit a list of witnesses to the Hearing Board for approval at least 2 (two) days prior to the hearing.
- 6) Each party will submit a list of proposed questions to be asked at the hearing at least 2 (two) days prior to the hearing.
- 7) The Hearing Board will permit each party's advisor to ask the complainant, respondent and any witnesses all approved, relevant questions and follow-up questions.
- 8) Cross-examination at the hearing must be conducted directly, orally, and in real time by the party's advisor. The complainant and respondent do not ask each other questions directly.
- 9) Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the Hearing Board Chair will determine the relevancy of the question.

J. The Hearing Board serves as the decision maker using a preponderance of the evidence standard [it is more likely than not that discrimination, sexual harassment, sexual misconduct or violence occurred, in accordance with U.S. Department of Education, Office for Civil Rights, *Dear Colleague Letter: Sexual Violence* (with accompanying *Background, Summary, and Fast Facts*) (April 4, 2011)], and thus shall determine either to dismiss the complaint or to take appropriate corrective action, including taking disciplinary action, in accordance with Employee Discipline Policy 6.10 and Procedure 6.10P; or Student Discipline Adjudication 3.14.2P where appropriate.

- 1) The decision will be issued in writing generally 10 (ten) business days after the conclusion of the Hearing; regarding responsibility (finding responsible or not responsible) with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.

- 2) The decision will be sent simultaneously to both parties by the Title IX Coordinator or designee, and include information about how to file an appeal.
 - 3) Sanctions may include those listed in Procedure 3.14.2P Student Discipline Adjudication:
 - a) Warning – A warning is an official written or verbal notice to a student that such conduct is in violation of LCCC policies and procedures. The continuation of such conduct or action may result in further disciplinary action.
 - b) Disciplinary Probation – Disciplinary probation is a written reprimand for a violation of the Policy. Probation is a period of observation and review of conduct during which the student must demonstrate compliance with LCCC policies and procedures. Students placed on Disciplinary Probation are not considered to be in good judicial standing with LCCC for the duration of the probationary period. Progressive disciplinary action will result, including suspension or expulsion, if repeat violations occur, especially during the probationary period. Terms of the probationary period will be determined at the time probation is imposed and will be confirmed in writing to the student.
 - c) Required Compliance – For educational purposes other sanctions may be imposed requiring the student to complete a specific mandate as a condition for continuing enrollment, transfer or graduation from LCCC; restriction or denial of privileges.
 - d) Educational Activities – For educational purposes, mandatory participation in educational activities such as workshops, service learning, writing assignments, etc. may be imposed.
 - e) Restitution – The student may be billed for loss or damages or requested to make payment to LCCC or to other persons, groups, or organizations for loss or damages incurred. Payment may take the form of appropriate service and/or monetary or material replacement.
 - f) Disciplinary Suspension – Disciplinary suspension temporarily terminates the student's enrollment and/or residence hall contract. The suspension may be for a specified period of time or for an indefinite period of time until stated conditions are met. If a student desires to be reinstated, the Dean of Students must be notified in writing with evidence that any specified conditions for reinstatement have been satisfied.
 - g) Academic Sanctions – failing grade for assignment, quiz, or test; or failing grade for the class.
 - h) Expulsion – Expulsion terminates a student's academic program and residence hall contract and right to future enrollment. The student may also be prevented from returning to LCCC premises. Students who are expelled are responsible for all financial obligations at the College.
 - i) The following sanctions may be noted on a student's academic transcript:
 - a. Disciplinary Suspension for Student Code of Conduct Violations
 - b. Disciplinary Expulsion for Student Code of Conduct violations
- *Pending Conduct – A student who withdraws or leaves LCCC during an investigation for a serious violation of the Student Code of Conduct

- K. Appeals – An appeal from a decision regarding responsibility (finding one responsible or not responsible), and from LCCC's dismissal of a formal complaint or any allegation therein, may be filed in writing to the Title IX Coordinator or designee, by the respondent or complainant within 5 (five) business days of the date of the decision for the following reasons:
- 1) Procedural irregularity that affected the outcome of the matter
 - 2) Newly discovered information not available at the time of the investigation or Hearing that could affect the outcome of the matter
 - 3) Title IX personnel had a demonstrated conflict of interest or bias that affected the outcome of the matter

The following should be addressed in the appeal letter:

- 1) Were the procedures, as stated in the sexual misconduct procedure followed? If not

- how did the process error affect the outcome of the case.
- 2) What new information has been discovered, why was it not available at the time of the investigation, and how would it potentially affect the outcome of the case?
 - 3) The Title IX Coordinator will assign an appeal reviewer to review the appeal and determine whether it should go to the appeal board.
 - 4) If the case is appealable, it will be referred to an Appeal Hearing Board to review.
 - 5) The Title IX Coordinator will notify both parties in writing when an appeal has been filed.6) An Appeal Hearing Board consisting of three trained officials who were not a part of the initial process, one of whom will serve as the Appeal Hearing Board Chair, will conduct a document based and recording review of the case. The Appeal Hearing Board decision is final and not appealable.
 - 7) The decision on the appeal will be issued in writing by the Title IX Coordinator or designee and provided to the complainant and the respondent simultaneously, ordinarily within 10 (ten) business days of receipt of the written appeal.
- L. Informal Resolution – If a formal complaint is filed, an informal resolution is optional and may be pursued if both the complainant and respondent give voluntary, informed, written consent to attempt resolution.
- 1) An informal resolution is not an option in the event of an allegation that an employee has sexually harassed or assaulted a student.
- M. This Policy applies to all of LCCC's programs or activities, whether such program or activity occurs on-campus or off-campus. 'Program' or 'activity' includes locations, events, or circumstances over which LCCC exercised substantial control over both the respondent and the context in which the discrimination, harassment, or misconduct occurred including any building owned or controlled by a student organization that is officially recognized by LCCC.
- N. Student Employee – In the event a discrimination, sexual harassment, or sexual misconduct incident occurs while a student is serving in the role of an employee, Sexual Misconduct Procedure 3.18P will be followed.
- O. Students and Employees – In the event a discrimination, sexual harassment, or sexual misconduct incident occurs involving a student and an LCCC Employee:
- 1) Student complainant; Employee respondent; Procedure 6.3P will be followed.
 - 2) Student respondent; Employee complainant, Procedure 3.18P will be followed.
 - 3) Employees taking courses; Procedure 6.3P will be followed.

8.0 CONFIDENTIALITY

All complaints of sexual misconduct and other forms of unlawful harassment (race, color, sex, religion, gender identity, national origin, age, disability, veteran status or sexual orientation) shall be considered confidential (particularly complaints of sexual harassment) and only those persons necessary for the investigation and resolution of the complaint will be given any information about the complaint. LCCC will respect the confidentiality of the complainant and the individual against whom the complaint is filed to the extent possible consistent with LCCC's legal obligations to protect the rights and security of its employees and students.

9.0 STANDARD OF REVIEW

Allegations of misconduct prohibited by Title IX shall be reviewed by applying a preponderance of the evidence standard.

10. RETALIATION

- A. LCCC affirms the rights of individuals to bring complaints of discrimination and/or misconduct without fear of reprisal. Each employee or student, who, in good faith, complains about illegal discrimination of any kind, is protected from retaliation and any act of retaliation will result in appropriate disciplinary action in accordance with Policy 6.10 and Procedure 6.10P Employee Conduct and Discipline, or student discipline procedures as found within the Student Discipline Adjudication Procedure 3.14.2P and procedures of the Student Handbook. Complaints of retaliation shall be treated as separate and distinct from original complaints of discrimination and will be investigated by the LCCC Human Resources Office (for employees accused of retaliation) or the Dean of Students Office (for students accused of retaliation) in accordance with Section 7.0 of this procedure.
- B. Supervisors, students and faculty who are found to be participating in any form of employment or educational based retaliation against any employee or student may be subject to disciplinary action, in accordance with the Policy 6.10 and Procedure 6.10P Employee Conduct and Discipline, or student discipline procedures as found within the Student Discipline Adjudication Procedure 3.14.2P, up to and including termination from employment, or student discipline procedures where appropriate.

11.0 ALTERNATIVE LEGAL REMEDIES

Nothing in this procedure shall prevent the complainant or the alleged offender from pursuing formal legal remedies or resolution through state or federal agencies or the courts.

12.0 CONTACT INFORMATION

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Office for Civil Rights
U.S. Department of Health and Human Services
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Denver, CO 80202
Phone (800) 368-1019

Laramie County Sheriff's Office
1910 Pioneer Avenue
Cheyenne, WY 82001
Phone: 307-633-4700

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