

# FLASHPOINT CHICAGO

A CAMPUS OF COLUMBIA COLLEGE HOLLYWOOD

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## TITLE IX COMPLAINT PROCESS

Columbia College Hollywood has jurisdiction over all Title IX policies, including the Student Sexual Misconduct and Relationship Violence Policy. The college has established the Title IX Complaint Process outlined below to promptly, fairly, and impartially adjudicate violations of the Student Sexual Misconduct and Relationship Violence Policy.

The Title IX Complaint Process constitutes the formal resolution process and disciplinary proceeding used by the college to respond to complaints concerning student sexual misconduct and relationship violence, including sexual harassment, dating violence, domestic violence, and stalking. The Title IX Complaint Process will be implemented by officials who, at a minimum, receive annual training on relevant issues and on how to conduct the Title IX Complaint Process in a way that protects safety and promotes accountability.

For purposes of this Title IX Complaint Process, the “Complainant” means a student who files a complaint reporting a violation of this policy. The “Respondent” means a student involved in the Title IX Complaint Process who has been reported to have violated this policy.

Certain complaints may be resolved informally in limited situations where the Complainant and the Respondent have been fully informed of all available options for resolution of the Complaint and have both voluntarily chosen to resolve the Complaint through an informal resolution process. Once a complaint has been resolved through an informal resolution process, the matter will be closed. For some limited types of complaints alleging violations of the Sexual Misconduct and Relationship Violence Policy, an informal resolution may include mediation.

The college will take steps to prevent recurrence of any sexual misconduct and/or relationship violence and remedy discriminatory effects as necessary.

### **I. STANDARD OF EVIDENCE**

The preponderance of the evidence standard (more likely than not) will be used under the Title IX Complaint Process and for making findings regarding all complaints of sexual misconduct and relationship violence, including sexual assault, dating and domestic violence, and stalking.

### **II. NOTICE OF POTENTIAL VIOLATION(S)**

When the Title IX Coordinator or designee becomes aware of a potential violation(s) of the Sexual Misconduct and Relationship Violence Policy, the Title IX Coordinator or designee will contact the Complainant and provide the Complainant with detailed information about the Complainant’s rights and responsibilities under the Title IX Complaint Process, as well as information regarding resources and interim measures.

### **III. THREAT ASSESSMENT**

When the Title IX Coordinator or designee becomes aware of a potential violation of the Sexual Misconduct and Relationship Violence Policy, the Title IX Coordinator or designee will (in collaboration with the Threat Assessment Team) conduct an initial threat assessment to determine whether there is reasonable cause to believe that the Respondent poses a continuing, significant threat of harm to the health, safety, and welfare of others or to the college community and whether interim measures are necessary to alleviate or mitigate that risk.

### **IV. MAKING A COMPLAINT**

Complaints alleging violations of the Sexual Misconduct and Relationship Violence Policy must be made by submitting a written complaint to the Title IX Coordinator or designee. Except in limited circumstances that involve protecting the health and safety of the college community and its members, the Title IX Complaint Process will not be initiated unless a written complaint has been submitted.

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Specifically, in some limited instances, to protect the health and safety of the college community and its members, it may be necessary for the college to initiate the Title IX Complaint Process against the Respondent even if a written complaint has not been submitted.

Upon receipt of the written complaint, the Title IX Coordinator or designee will determine whether the college has jurisdiction to resolve the complaint under the Title IX Complaint Process. Matters that cannot be resolved under the Title IX Complaint Process, because of jurisdiction, will be referred to the appropriate departments on campus. Alleged violations which are ancillary and related to the complaint will be resolved under the Title IX Complaint Process.

Written complaints may be given to the Title IX Coordinator or designee in person or electronically via email at [titleix@columbiacollege.edu](mailto:titleix@columbiacollege.edu).

### **V. MEETING WITH THE RESPONDENT**

The Title IX Coordinator or designee will have a preliminary meeting with the Respondent at which the Title IX Coordinator will share the written complaint with the Respondent, if applicable; explain the Respondent's rights and responsibilities under the Title IX Complaint Process, including any interim measures available; describe any potential sanctions that may result from a finding of responsibility; and answer any questions the Respondent may have. At the preliminary meeting, the Respondent will also be provided with information regarding the Respondent's rights: the right to have the Complaint heard under the Title IX Complaint Process, which is the complaint process used for all similar matters; the right to receive notice of all violations of the Sexual Misconduct and Relationship Violence Policy, as well as any ancillary violations being alleged against the Respondent; the right to be heard by the investigator who is an impartial arbiter under the Title IX Complaint Process; and the right to hear a description of all information presented to the investigator that supports a finding of responsibility.

At the conclusion of the preliminary meeting, the Respondent may: (I) voluntarily admit responsibility and execute a written Waiver of the Title IX Complaint Process, at which point the Respondent will be assigned a sanction(s) and the Title IX Complaint Process will be concluded; or (II) request that the alleged violation(s) be adjudicated in accordance with the Title IX Complaint Process and submit a written response to the complaint. A Respondent who executes a written waiver of the Title IX Complaint Process is not entitled to an appeal. If the Respondent chooses to have the complaint adjudicated through the Title IX Complaint Process, then the Respondent is encouraged to submit a written response to the complaint within three (3) business days of the preliminary meeting, to the Title IX Coordinator or designee. If the Respondent fails to appear at the preliminary meeting after notification or fails to respond to communications from the Title IX Coordinator or designee, the Title IX Coordinator or designee may proceed with the Title IX Complaint Process without the Respondent's participation.

### **VI. INVESTIGATION AND ADJUDICATION**

Upon receipt of the Respondent's written response, or after three (3) business days following the preliminary meeting, the Title IX Coordinator or designee will appoint an investigator who is an impartial arbiter under the Title IX Complaint Process. The investigator will conduct an investigation of the complaint and issue findings regarding responsibility. The Title IX Coordinator or designee will have the discretion to appoint an internal investigator, an external investigator, or both.

The college will ensure an adequate, reliable, and impartial investigation of all complaints alleging violations of the Sexual Misconduct and Relationship Violence Policy, including the opportunity for both the Complainant and the Respondent to present witnesses and evidence. The investigation will include interviews with the Complainant, the Respondent, and witnesses, if applicable. The investigator will determine, in the investigator's sole discretion, what information is relevant. Character evidence will not be considered, and pattern evidence (evidence of previous conduct) will only be considered if the previous conduct is so substantially similar to the conduct cited in the instant matter to indicate a pattern of behavior. Additionally, medical and counseling records are privileged and confidential and, therefore, will not be required to be disclosed.

In cases involving sexual misconduct, past sexual history will typically not be considered except possibly where consent is at issue.

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Specifically, prior consensual sexual activity between the Complainant and the Respondent, while not determinative, may be relevant to determining whether consent was sought and received. Past sexual history may also be considered under very limited circumstances, for example, to explain injury. However, consent to one sexual act will never be considered to constitute consent to another sexual act.

### VII. DRAFT INVESTIGATION REPORT

At the conclusion of the investigation, the investigator will complete a Draft Investigation Report. The Draft Investigation Report will contain the relevant information and facts learned during the investigation, including direct observations and reasonable inferences drawn from the facts and any consistencies or inconsistencies between the various sources of information.

Once the Draft Investigation Report has been completed, the investigator will provide opportunities for the Complainant and the Respondent to separately review the Draft Investigation Report. After reviewing the Draft Investigation Report, the Complainant and the Respondent will have three (3) business days to respond to the investigator in writing to offer additional comments, clarify information previously shared, suggest additional witnesses, request that additional questions be asked of the parties and/or witnesses, or identify any other relevant information or evidence to assure the thoroughness and sufficiency of the investigation.

### VIII. FINAL INVESTIGATION REPORT

If, after receiving the written responses from the Complainant and the Respondent regarding the Draft Investigation Report, the investigator determines that no further inquiry is required, the investigation will be deemed complete and final. If, in the sole discretion of the investigator, further inquiry is necessary, the investigator will conduct further inquiry before finalizing and completing the investigation.

Once the investigation is deemed by the investigator to be complete and final, the investigator will make a finding of “Responsible” or “Not Responsible” for each alleged violation of the Sexual Misconduct and Relationship Violence Policy, as well as any ancillary violations. The investigator will then provide the Title IX Coordinator or designee with the Final Investigation Report, which will include the findings and rationale for each alleged violation. The Title IX Coordinator or designee will review the Final Investigation Report to ensure that it is has been completed in accordance with institutional policy. The Title IX Coordinator or designee will notify the investigator of any inconsistencies with institutional policy that are present in the Final Investigation Report so that the investigator can make corrections.

### IX. SANCTIONS

If the Final Investigation Report includes any findings of responsibility, the Title IX Coordinator or designee will provide a copy of the Final Investigation Report to the Sanctioning Officer at the respective campus or their designee, for a determination of sanctions for each finding of responsibility. The Sanctioning Officer or designee may consider prior violations of policy for which the Respondent was found responsible when determining what sanction(s) to impose. The Sanctioning Officer or designee will provide the Title IX Coordinator or designee with a written decision regarding which sanction(s) will be imposed for each finding of responsibility.

An individual found responsible for violating the Sexual Misconduct or Relationship Violence Policy (and/or any ancillary violations) will be subject to one or more of the following sanctions:

- Formal warning
- No contact orders
- Probation
- Counseling and education
- Deprivation of rights and privileges
- Monetary restitution and/or fines
- Community service
- Delayed degree conferral
- Suspension or conditional suspension
- Dismissal or removal from the college
- Other sanctions as the college sees fit

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### **X. NOTICE OF OUTCOME**

After receipt of the sanctions, the Title IX Coordinator or designee will, within seven (7) days, simultaneously provide a written Notice of Outcome to the Complainant and the Respondent, which will include the finding(s), sanction(s), if applicable, and rationale for the findings and applicable sanctions. The Title IX Coordinator or designee will offer the Complainant and the Respondent the opportunity to file a written request for an appointment to review the Final Investigation Report. If requested, the review will be scheduled to occur within three (3) business days of receipt of the written request. In cases where either party intends to appeal, a written request to review the Final Investigation Report should be made as soon as possible and prior to the expiration of the appeal deadline as set forth below.

### **XI. APPEAL PROCESS**

The Complainant and the Respondent have the right to appeal and participate in the appeal process if: (1) a substantial procedural error occurred during the Title IX Complaint Process; (2) new evidence, which is substantially material and has the likelihood of changing the findings made by the investigator in the Final Investigation Report has come to light, which was not reasonably available prior to the investigator issuing the Final Investigation Report; and/or (3) the imposed sanction(s) is clearly contrary to the weight of the evidence.

Requests for appeal must be submitted in writing to the Title IX Coordinator or designee within five (5) business days following delivery of the written Notice of Outcome. Appeals are heard by the Appeal Officer who is the Dean of Academic Affairs on each respective campus or a designee and will be strictly limited to the grounds for appeal outlined above. The Appeal Officer or designee is an impartial decision-maker and will conduct the appeal in an impartial manner.

If the appeal is denied, the matter will be closed, and the outcome set forth in the Notice of Outcome will be final. If the appeal is granted, the Appeal Officer or designee may: (1) remand the case for a new investigation, the results of which, including the finding(s) and sanction(s), will be final and not subject to further appeal; (2) make modifications to the sanction(s) imposed; or (3) if, due to the discovery of new substantially material evidence not reasonably available at the time of the initial investigation, return the matter to the investigator for reconsideration in light of the new evidence.

The Appeal Officer or designee will provide a written decision regarding the Appeal to the Title IX Coordinator who will notify the Complainant and the Respondent simultaneously within seven (7) days of the decision. The decision of the Appeal Officer or designee regarding the appeal will be final and no further appeals will be considered.

### **XII. PROCESS TIMELINE**

The college will make its best effort to complete the Title IX Complaint Process, including the investigation and appeal process, within ninety (90) calendar days of receipt of the written complaint.

However, because the length of investigations may vary due to the complexity and unique factors of each case, the timeframe outlined herein may be extended to ensure that the Title IX Complaint Process is prompt and timely, but also thorough, fair, and impartial. The Complainant and the Respondent will be provided with periodic status updates as necessary. Other timelines, such as the time for filing an appeal, are listed herein.

### **XIII. LAW ENFORCEMENT**

The college will comply with law enforcement requests for cooperation. Such cooperation may require the college to temporarily suspend an investigation for a short period while law enforcement gathers evidence. The college will promptly resume its investigation as soon as it is notified by law enforcement that its evidence gathering process is complete. The Complainant has the right to file a criminal complaint and a complaint under the Title IX Complaint Process simultaneously.

### **XIV. CONFIDENTIALITY**

The college will make all reasonable efforts to protect the confidentiality of the Complainant, Respondent, and other involved parties by keeping a complaint and investigation private to the highest extent possible and will only disclose information on a need-to-know basis.

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It is the expectation of the college that all individuals involved in the Title IX Complaint Process will also maintain confidentiality and share information only on a need-to-know basis. However, individuals involved in the Title IX Complaint Process are not restricted from discussing and sharing information related to complaints made by or against them with others who may support or assist them in the Title IX Complaint Process. See additional information about confidentiality set forth in the college's Sexual Misconduct and Relationship Violence Policy.

Reports may also be made anonymously by using the college's In Touch service, which is available 24 hours a day. Individuals can choose to contact In Touch via email at [columbiacollege@getintouch.com](mailto:columbiacollege@getintouch.com) or submit a concern online at [www.intouchwebsite.com/columbiacollege](http://www.intouchwebsite.com/columbiacollege).

### **XV. REQUESTS FOR ANONYMITY OR NO ACTION**

If the Complainant requests anonymity or asks the college not to take any action, the college will strongly consider the Complainant's request. However, in certain circumstances, the college may not be able to grant the Complainant's request due to various factors, including when there is a risk of imminent harm to an individual or others or a threat to the health and safety of the college community.

### **XVI. CONFLICTS OF INTEREST**

The Complainant and the Respondent may notify the Title IX Coordinator or designee in writing if there is a concern that the investigator assigned or any other person implementing the Title IX Complaint Process creates a conflict of interest. The Title IX Coordinator or designee will make adjustments only if a substantiated conflict of interest exists.

### **XVII. ADVISORS**

Advisors are permitted as outlined in the Sexual Misconduct and Relationship Violence Policy.

### **XVIII. RETALIATION**

Retaliation against any individual for filing a complaint or participating in any investigation or proceeding brought pursuant to this policy is prohibited by Title IX and by the college. Retaliation includes, but is not limited to, verbal and physical threats, intimidation, harassment, coercion, and other adverse actions. There shall be no disciplinary action, retaliation, or reprisal for bringing a complaint in good faith. Individuals shall not, however, knowingly make false charges of sexual misconduct or relationship violence as defined herein. Examples of retaliation include, but are not limited to, pressuring an individual to withdraw a complaint, spreading rumors, ostracizing an individual involved in the complaint, destroying property, sending unwelcomed messages by electronic media, encouraging friends to relay unwelcomed messages, and making threats.