

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 IXithm (o)-6.6 (f 8r-m)-6.33 (h)9 (o)4. fis.50.004 T2.2 (lai)2.3 (e)-3 (2)

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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:
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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

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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.

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

- 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 advisor will be present at all meetings, hearings, and the hearing.

- 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 questions are permitted. The Hearing Board will determine if a question is relevant. Only relevant cross-examination questions are permitted.

- 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 3.16P 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 probation are not eligible for financial aid.

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