



Subject:	Cross-college Title IX Investigation/Adjudication
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210.1 Purpose

To provide for the objective and equitable investigation, adjudication, and resolution of complaints against technical colleges, college faculty/staff, and students with respect to Title IX of the Education Amendments of 1972 ("Title IX").

210.2 Approval

USTC Board of Trustees approval: March 23, 2017. Revised: September 13, 2017.

210.3 References

20 USC 1681-1688, Title IX of the Education Amendments of 1972
34 CFR 99, Family Educational Rights and Privacy Act

210.4 Definitions

- 4.1 **Title IX Officer:** A technical college's employee assigned and trained to perform complaint investigation or adjudication of or related to Title IX.
- 4.2 **Cross-college Investigator/Adjudicator:** An objective and competent individual employed by a technical college, who is trained in and requested to perform investigative or adjudicative activities related to Title IX at a different technical college.

210.5 Requesting Cross-college Assistance

- 5.1 Where a technical college's Title IX officer is unable to adequately or appropriately investigate or adjudicate a complaint related to Title IX (due to lack of objectivity, conflict of interest, insufficient training or experience, desire for transparency, etc.), the Title IX officer shall seek an objective and competent designee from another technical college (i.e., the "cross-college investigator/adjudicator") to perform such activities.
- 5.2 The need for a cross-college investigator/adjudicator is determined solely by the Title IX officer and/or the president of the technical college, or his or her designee, at which the complaint originated.
- 5.3 The request for cross-college investigative/adjudicative assistance shall be made in writing to the president of the technical college employing the desired cross-college investigator/adjudicator. This request shall be included in all files related to the specific complaint housed at the technical college at which the complaint originated.
- 5.4 A cross-college investigator/adjudicator shall have the written consent of his or her college president before commencing any investigative or adjudicative activities at another technical college. This consent shall be included in all files related to the specific complaint housed at the technical college at which the complaint originated.



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210.6 Performing a Cross-college Investigation/Adjudication

- 6.1 The technical college requesting cross-college assistance, by so doing, authorizes the cross-college investigator/adjudicator to view germane student information belonging to parties involved in a specific complaint, as provided by 34 CFR 99.31 (a)(1)(i)(B).
- 6.2 A cross-college investigator/adjudicator shall not be compensated for his or her service, except through the individual's normal salary and benefits paid by the technical college at which he or she is regularly employed. However, the cross-college investigator/adjudicator may receive per diem and travel expenses paid by the technical college requesting investigative or adjudicative assistance. Per diem and travel expenses shall be determined in advance of the college president's consent (5.4).
- 6.3 The scope of cross-college investigator/adjudicators' work shall be limited to the determination of responsibility for any breaches to college policies and/or student or employee codes of conduct. Determination of any disciplinary actions shall remain the purview of the technical college at which the complaint originated.

210.7 Final Report and Recommendations

- 7.1 Upon the conclusion of his or her investigation or adjudication, the cross-college investigator/adjudicator shall document all findings in a report to be delivered to the president and Title IX officer of the technical college at which the complaint originated, and the USTC Commissioner of Technical Education. The report may also include recommendations to the college regarding policies and procedures applicable to the complaint at hand and its subsequent investigation or adjudication.
- 7.2 The technical college that requested investigative or adjudicative assistance shall treat the cross-college investigator/adjudicator's final report (7.1) as if it were produced by the college's own staff. The report shall be subject to all provisions of Title IX (e.g., subject to appeal, made available to the complainant and alleged perpetrator, etc.).
- 7.3 In a letter to the USTC Commissioner of Technical Education, the president of the technical college at which the complaint originated shall provide an official response to each recommendation identified by the cross-college investigator/adjudicator in his or her final report (7.1). This letter shall be delivered within 30 days of the report's transmission to the technical college president.